

THE NATIONAL ARCHIVES
 LITTERA
 SCRIPTA
 MANET
 OF THE UNITED STATES
 1934
FEDERAL REGISTER
 VOLUME 7
 NUMBER 26

Washington, Friday, February 6, 1942

The President

EXECUTIVE ORDER

SUSPENDING THE LIMITATIONS UPON PUNISHMENTS FOR VIOLATIONS OF ARTICLES OF WAR 58, 59 AND 86

By virtue of the authority vested in me by Article of War 45, Chapter II, act of June 4, 1920, 41 Stat. 759, 796, and as President of the United States, I hereby suspend until further order, as to offenses hereafter committed, the limitations prescribed by the Table of Maximum Punishments, paragraph 104 (c) of the Manual for Courts-Martial, United States Army (1928), upon punishments for violations of Articles of War 58, 59, and 86, relating, respectively, to desertion, aiding or advising another to desert, and misbehavior of sentinels.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 3, 1942.

[No. 9048]

[F. R. Doc. 42-1065; Filed, February 4, 1942;
2:07 p. m.]

Rules, Regulations, Orders

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934 AND INVESTMENT COMPANY ACT OF 1940

AMENDMENT NO. 6 TO REGULATION S-X

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, particularly sections 7 and 19 (a) thereof, the Securities Exchange Act of 1934, particularly sections 12, 13, 15 (d) and 23 (a) thereof, and the Investment Company Act of 1940, particularly sec-

tions 8, 30 and 38 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it by the said Acts, hereby amends Part 210 [Regulation S-X] as follows:

I. Note 5 to § 210.12-16 [Rule 12-16] is amended by inserting immediately after the numeral "5" the following new sentence: "If the aggregate amount of rents and royalties is not significant, a statement to that effect will suffice."

As amended Note 5 to § 210.12-16 [Rule 12-16] reads as follows: "If the aggregate amount of rents and royalties is not significant, a statement to that effect will suffice. State rents and royalties separately if either amount is significant. If significant in amount, state the aggregate annual amounts of the rentals upon all real property now leased to the person and its subsidiaries for terms expiring more than three years after the date of filing and the number of such leases. If the rentals are conditional, state the minimum annual amount."

II. Section 210.5-04 [Rule 5-04] is amended by deleting therefrom the instruction as to *Schedule XVII, Income from dividends*, as presently set forth and by substituting the following instruction therefor:

§ 210.5-04 *What schedules are to be filed.*

Schedule XVII—Income from dividends; equity in net profit and loss of affiliates. The schedule prescribed by § 210.12-17 [Rule 12-17] shall be filed for each period for which a profit and loss statement is filed.

III. Section 210.6-04 [Rule 6-04] is amended by deleting therefrom the instructions as to *Schedule XIV, Income from dividends*, as presently set forth and by substituting the following instructions therefor:

§ 210.6-04 *What schedules are to be filed.*

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Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.25 per month or \$12.50 per year; single copies 10 cents each; payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

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Schedule XIV. Income from dividends; equity in net profit and loss of affiliates. The schedule prescribed by § 210.12-17

[Rule 12-17] shall be filed for each period for which a profit and loss statement is filed. This schedule need not be filed, however, if all the information called for by § 210.12-17 [Rule 12-17] is included in the profit and loss or income statement.

IV. Section 210.12-17 [Rule 12-17], *Income from dividends*, is amended by adding to the descriptive caption thereof the following words, " ; equity in net profit and loss of affiliates."

As amended the section reads, § 210.12-17 *Income from dividends; equity in net profit and loss of affiliates.* * * *

Effective February 5, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1092; Filed, February 5, 1942;
11:49 a. m.]

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

AMENDMENT NO. 7 TO THE INSTRUCTION BOOKS FOR FORMS 12-K AND 12A-K

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 13 and 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors, and necessary for the execution of the functions vested in it by the said Act, hereby amends paragraph 3 under the caption "Instructions as to Exhibits" in the Instruction Books for Forms 12-K and 12A-K to read as follows:

3. Notwithstanding the provisions of paragraph 1, above, any registrant filing a copy of Form A may, if it so desires, file a copy of Form A leaving blank any or all pages, schedules or items except the following:

Schedules 102; 103; 104A; 104B; 108; 109; 110; 200A; 200L; 200A (System); 200L (System); lines 40, 48, 56, 57, 58 and 59 of 211; 212; 214; 215; 216; 217; 218; 221; 251; 251A; 252; 261M; 261E; 261I; 110A; 261P; 263; 282; 283; 284; 285; 286; 286A; 295; 300I; 300P; 300D; 300I (System); 300P (System); 310; lines 110, 111; 112, 145, 146, 147, 158, 213, 218, 226, 228, 243, 245 and 246 of 320; 321; 350; 371; 371A; 383; 383A; 396; 411; 412; classes 800, 810, 820, 830, 840, 850, 710 and 860 of 541; Divisions 1, 2 and 801 of 561; 562; 563; 581; paragraphs 3 and 4 of 591; and verification.

If this privilege is exercised, all applicable instructions of the Interstate Commerce Commission should be followed in filling out the various schedules subject to the provisions of paragraph 4 below.

Effective February 5, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1093; Filed, February 5, 1942;
11:49 a. m.]

TITLE 20—EMPLOYEES' BENEFITS CHAPTER II—RAILROAD RETIREMENT BOARD

PART 260—APPEALS WITHIN THE BOARD

AMENDING SUBSECTIONS (d) AND (e) OF § 260.03 OF THE REGULATIONS UNDER THE RAILROAD RETIREMENT ACT OF 1937

Pursuant to the general authority contained in section 10 of the Act of June 24, 1937 (Sec. 10, 50 Stat. 314; 45 U.S.C. Sup. III, 228j), subsection (d) and the first sentence of subsection (e) of § 260.03 of the Regulations of the Railroad Retirement Board under such Act (4 F.R. 1477) are amended, effective immediately, by Board Order 42-61 dated January 29, 1942, to read as follows:

§ 260.03 *Final appeal from a decision of the Appeals Council.* * * * (d) Upon final appeal to the Board, the appellant shall not have the right to submit additional evidence: *Provided, however*, That, if upon final appeal to the Board, the Board finds that new or better evidence is available, the Board may obtain such evidence, in which event the appellant shall be advised with respect to such evidence and given an opportunity to submit rebuttal evidence and argument: *And provided further*, That in the event that pursuant to the preceding proviso material evidence is developed which tends to show facts contrary to those found by the Appeals Council, or, in the event that the appellant shows that he is ready to present further material evidence, which for good reason he was not able to present to the Appeals Council, the claim may be referred back to the Appeals Council. Thereupon the Appeals Council shall receive such new evidence as may be offered, develop new or better evidence if available, affording the appellant appropriate opportunity to submit rebuttal evidence and argument, include a transcript of all evidence in the record, and transmit the entire record to the Board together with its recommendation to the Board for final decision.

(e) The decision of the Board shall be made upon the record of evidence and argument which has been made in the handling of the case before final appeal to the Board, with such additions as may be made pursuant to this section. * * *

By Authority of the Board.

[SEAL] JOHN C. DAVIDSON,
Secretary of the Board.

FEBRUARY 4, 1942.

[F. R. Doc. 42-1081; Filed, February 5, 1942;
11:20 a. m.]

TITLE 21—FOOD AND DRUGS CHAPTER I—FOOD AND DRUG ADMINISTRATION

[Docket No. FDC-35]

PART 2—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

"INSULIN" DEFINED

By virtue of the authority vested in the Federal Security Administrator by

provisions of the Federal Food, Drug, and Cosmetic Act (Sec. 701 (a), 52 Stat. 1055, 21 U.S.C., Sup. V, 371 (a));

It is ordered, That the following general regulation be and it hereby is promulgated:

§ 2.1065 *Definition of term "insulin."*
For the purposes of sections 502 (k) and 506 of the Act, the term "insulin" as used therein means the active principle of pancreas which affects the metabolism of carbohydrate in the animal body and which is of value in the treatment of diabetes mellitus. (Sec. 701 (a), 52 Stat. 1055, 21 U.S.C., Sup. V, 371 (a))

Such general regulation shall become effective immediately.

WATSON B. MILLER,
Acting Administrator.

FEBRUARY 4, 1942.

[F. R. Doc. 42-1083; Filed, February 5, 1942;
11:17 a. m.]

[Docket No. FDC-35]

PART 144—CERTIFICATION OF BATCHES OF
DRUGS COMPOSED WHOLLY OR PARTLY
OF INSULIN

By virtue of the authority vested in the Federal Security Administrator by provisions of section 506 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, et seq., 21 U.S.C., Sup. V, 301, et seq., as amended by Public Law 366, 77th Cong., 1st Sess., Dec. 22, 1941);

It is ordered, That the following regulations be and they hereby are promulgated:

- Sec.
- 144.1 Definitions and interpretations of terms.
 - 144.2 Requests for certification; samples; storage; approvals preliminary to certification.
 - 144.3 Certifications.
 - 144.4 Conditions on the effectiveness of certificates.
 - 144.5 Packaging.
 - 144.6 Labeling.
 - 144.7 Distinguishing colors on packages.
 - 144.8 Records of distribution.
 - 144.9 Authority to refuse certification service.
 - 144.10 Fees.
 - 144.11 Standards of identity, strength, quality, and purity for protamine zinc insulin.
 - 144.12 Tests and methods of assay.

§ 144.1 *Definitions and interpretations of terms.* For the purpose of the regulations in this part:

(a) The term "insulin" means the active principle of pancreas which affects the metabolism of carbohydrate in the animal body and which is of value in the treatment of diabetes mellitus.

(b) The term "insulin U. S. P." means the insulin injection recognized in the fourth supplement to the United States Pharmacopoeia, Eleventh Revision (Interim Revision Announcement No. 4 and addenda thereto).

(c) The term "protamine zinc insulin" means the insulin preparation described in § 144.11 of the regulations in this part.

(d) The term "master lot" means a quantity, which is purified and which has been mixed in one container so as to be homogeneous, of (1) a concen-

trated solution of insulin, or (2) the insulin-containing solids, in amorphous or crystalline form, derived from one or more such solutions.

(e) The term "batch" means a quantity of a drug, in labeled packages, of uniform composition and intended for administration without further change, in which the sole insulin-containing ingredient is a single dilution (which has been mixed in one container so as to be homogeneous) of (1) a single master lot or part thereof, or (2) a mixture of two or more master lots or parts thereof; except that such term means a portion of such quantity when certification of such portion is requested.

(f) The term "master lot mark" means an identifying mark or other identifying device assigned to a master lot by the manufacturer thereof.

(g) The term "batch mark" means an identifying mark or other identifying device assigned to a batch by the manufacturer thereof.

(h) The term "Commissioner" means the Commissioner of Food and Drugs.

(i) The functions and duties of the Commissioner under the regulations in this part may be exercised by such other responsible officials of the Food and Drug Administration as the Commissioner may designate for that purpose.

(j) The definitions and interpretations of terms contained in section 201 of the Act shall be applicable to such terms when used in the regulations in this part.*

*§§ 144.1 to 144.12, inclusive, issued under the authority contained in sec. 506, 52 Stat. 1040, et seq., 21 U.S.C., Sup. V, 301 et seq., as amended by Public Law 366, 77th Cong., 1st Sess., Dec. 22, 1941.

§ 144.2 *Requests for certification; samples; storage; approvals preliminary to certification.* (a) A request for certification of a batch shall be addressed to the Commissioner, Food and Drug Administration, Federal Security Agency, Washington, D. C. A request from a foreign manufacturer shall be signed by such manufacturer and by an agent of such manufacturer who resides in the United States.

(b) The initial request for certification submitted by any person shall be preceded or accompanied by a full statement of the facilities and controls used to maintain the identity, strength, quality, and purity of each batch, including a description of (1) the equipment, methods, and processes used in diluting master lots and parts thereof, and in maintaining the identity, strength, quality, and purity of master lots and dilutions therefrom; (2) the tests and assays made on master lots and mixtures thereof, on dilutions and batches therefrom, and on ingredients used in such dilutions and batches; and (3) the laboratory facilities used in such controls. Such initial request shall also be preceded or accompanied by the keys to the master lot marks and batch marks used by such person. When any change is made in any of such facilities or controls, or in any such key, the next request for certification thereafter shall be accompanied by a full statement of such change.

(c) A person who requests certification of a batch shall submit in connection with his request statements showing:

(1) The master lot mark of each master lot used or to be used wholly or partly as an ingredient or component of an ingredient of the batch;

(2) The quantity of each such master lot so used;

(3) The original quantity of each such master lot (unless such information has been previously submitted);

(4) The quantity of the batch; and

(5) The batch mark.

(d) Except as otherwise provided in paragraphs (g) and (h) of this section, a person who requests certification of a batch shall submit in connection with his request and in the quantities hereinafter indicated, accurately representative samples of the following:

(1) The single master lot or the mixture of two or more master lots or parts thereof, to be used as an ingredient of the batch; in a quantity containing approximately 10,000 U. S. P. units of insulin.

(2) A trial dilution from such master lot or mixture, which dilution conforms to the standards of identity, strength, quality, and purity for insulin U. S. P., containing 20 U. S. P. units or 40 U. S. P. units of insulin per cubic centimeter; in a quantity containing approximately 10,000 U. S. P. units of insulin.

(3) If the batch is to be insulin U. S. P., the bulk dilution from such master lot or mixture, which dilution, without further change, is intended to be filled into the containers of the finished batch; in a quantity containing approximately 2,500 U. S. P. units of insulin.

(4) If the batch is to be protamine zinc insulin, the bulk dilution from such master lot or mixture, containing protamine, zinc chloride, glycerin, and phenol or cresol, which dilution is the sole insulin-containing ingredient intended to be filled into the containers of the finished batch, and which is intended to be so filled without further change; in a quantity containing approximately 2,500 U. S. P. units of insulin.

(5) If the batch is to be protamine zinc insulin, the lot of protamine used as an ingredient of the bulk dilution referred to in subparagraph (4) of this paragraph; in a quantity of approximately 2 grams.

(6) If the batch is to be protamine zinc insulin, the buffer solution which, without further change, is intended to be filled into the containers of the finished batch; in a quantity not less in volume than the volume of the sample submitted pursuant to subparagraph (4) of this paragraph.

(7) If the batch is to be protamine zinc insulin, a trial mixture of the bulk dilution and the buffer solution referred to in subparagraphs (4) and (6) of this paragraph, which mixture is intended to be accurately representative of the mixture which will constitute the finished batch; in a quantity containing approximately 2,500 U. S. P. units of insulin.

(8) The finished batch; in a quantity not less than 5 packages.

(e) Except as otherwise provided by paragraphs (g) and (h) of this section, a person who requests certification shall submit in connection with his request results of the tests and assays listed after each of the following materials, made by him on a sample of such material:

(1) The master lot or mixture, referred to in paragraph (d) (1) of this section: ash, nitrogen, potency, reaction, sterility, and zinc, if such master lot or mixture is a solution; ash, moisture, nitrogen, potency, and zinc, if such master lot or mixture is a solid.

(2) A trial dilution from such master lot or mixture, of the potency of the trial dilution referred to in paragraph (d) (2) of this section: ash, nitrogen, reaction, potency, and zinc.

(3) If the batch is to be insulin U. S. P., the bulk dilution referred to in paragraph (d) (3) of this section: ash, nitrogen, reaction, sterility, and zinc.

(4) If the batch is to be protamine zinc insulin, the bulk dilution referred to in paragraph (d) (4) of this section: nitrogen, reaction, sterility, and zinc.

(5) If the batch is to be protamine zinc insulin, the protamine referred to in paragraph (d) (5) of this section: moisture, nitrogen, and sulfate.

(6) If the batch is to be protamine zinc insulin, the buffer solution referred to in paragraph (d) (6) of this section: sterility.

(7) If the batch is to be protamine zinc insulin, the trial mixture referred to in paragraph (d) (7) of this section: nitrogen, reaction, zinc, and biological reactions (by the tests prescribed in § 144.12 (b) or (c), and (d), except that, if the batch is to be of 80 unit strength, the test prescribed in § 144.12 (b) may be made, in lieu of the test prescribed in § 144.12 (c), on a trial mixture of 40 unit strength prepared from the same materials and in the same manner, except for adjustment of reaction of the buffer solution, as such 80 unit batch is to be made).

(8) The finished batch: nitrogen, reaction, sterility, zinc, and if the batch is insulin U. S. P., ash.

(f) The results of tests and assays for the following shall be reported in the terms indicated:

Ash—milligrams per 1,000 U. S. P. units of insulin.

Moisture—percent by weight.

Nitrogen (except in protamine)—milligrams per cubic centimeter in the cases of solutions and suspensions, and percent by weight in the case of solids.

Nitrogen in protamine—percent by weight, calculated to a moisture-free basis.

Potency—U. S. P. units of insulin per cubic centimeter.

Reaction—hydrogen ion concentration (pH).

Sulfate—percent by weight, as SO_4 , calculated to a moisture-free basis.

Zinc—milligrams per cubic centimeter in the cases of solutions and suspensions, and percent by weight in the case of solids.

(g) (1) No sample referred to in paragraph (d) (1) to (7) of this section, in-

clusive, and no result referred to in paragraph (e) (1) to (7) of this section, inclusive, is required if such sample or result has been submitted in connection with a previous request for certification.

(2) Each sample submitted pursuant to this section shall be so packaged as to maintain its representative character, and in the case of any solution or suspension, shall be collected and packaged under aseptic conditions. Each package shall be clearly identified as to its contents and shall bear the name and post office address of the person submitting the request.

(3) The packages constituting the samples submitted pursuant to paragraph (d) (8) of this section shall be collected at such intervals that the quantities packaged between collections are approximately equal and that the collections cover the entire period of packaging.

(4) Each sample submitted pursuant to paragraph (d) (2), (3), (4), (6), (7), and (8) of this section shall be accompanied by a statement showing the identity, quality, and quantity of each substance used as an ingredient or as a component of an ingredient in the material from which such sample was taken.

(5) If the tests and assays, results of which are submitted pursuant to paragraph (e) (2) of this section, were not made on the same trial dilution as that from which the sample submitted pursuant to paragraph (d) (2) of this section was taken, such sample shall be accompanied by a statement showing the identity, quality, and quantity of each substance used as an ingredient or as a component of an ingredient of the trial dilution on which such tests and assays were made.

(6) The value for each of the components ash, nitrogen, and zinc submitted pursuant to subparagraphs (1), (2), and (3) of paragraph (e) may be calculated from the result of a test therefor submitted pursuant to either subparagraph (1) or (2) of such paragraph. The result on potency required under subparagraph (1) of such paragraph may be calculated from the result of an assay therefor submitted pursuant to subparagraph (2) of such paragraph. The value for each of the components nitrogen and zinc, to the extent required under subparagraphs (4), (7), and (8) of such paragraph, may be calculated from the result of a test therefor submitted pursuant to either subparagraph (4) or (7) of such paragraph. The value for each of the components ash, nitrogen, and zinc required under subparagraph (8) of such paragraph may, if the batch is insulin U. S. P., be calculated from the result of a test therefor submitted pursuant to subparagraph (1), (2), or (3) of such paragraph. Each calculated value shall be indicated as such.

(7) The information required under paragraph (c) (1), (2), and (3) of this section, and the samples and results of tests and assays required under paragraphs (d) (1) and (2) and (e) (1) and (2) of this section should be submitted before submission of the samples and results required in paragraphs (d) (3) to (7) of this section, inclusive, and (e)

(3) to (7) of this section, inclusive; and the samples and results required under paragraphs (d) (3) to (7), inclusive, and (e) (3) to (7), inclusive, should be submitted before submission of the information, samples, and results required under paragraphs (c) (4) and (5), (d) (8), and (e) (8) of this section. All information, including results of tests and assays (except results of tests for sterility), required under this section should be submitted at the same time as the samples to which they relate are submitted.

(h) The person who requests certification shall submit such information additional to that submitted pursuant to paragraphs (b), (c), (e), and (g) of this section, such additional samples of any substance referred to in paragraph (d) of this section, and such samples of any other substance used or to be used as an ingredient or as a component of an ingredient in the batch, as the Commissioner may require for the purpose of investigations to determine whether or not such batch complies with the requirements set forth by § 144.2 for the issuance of a certificate.

(i) After a sample required by paragraph (d) of this section is taken from any master lot or mixture of parts of two or more master lots, such master lot or master lots and all parts thereof, and all dilutions and batches and all parts thereof in which any such master lot is used as an ingredient or as a component of an ingredient, shall be stored at the establishment where manufactured until used up or shipped or otherwise delivered, at a temperature above freezing but not above 15°C . (59°F .), and under such other conditions as prevent, so far as practicable, any change in composition; except that master lots and parts thereof which are solids may be stored at ordinary room temperatures.

(j) As promptly as practicable after the samples submitted pursuant to paragraph (d) (1) and (2) of this section, and any other material or information relative thereto that may be required under this section, are received by the Commissioner, he shall notify the person who submitted such samples of his approval or refusal to approve the use of the master lot or mixture for the making of bulk dilutions. In case of a refusal to approve, the Commissioner shall state his reasons therefor.

(k) In like manner, the Commissioner shall notify the person who submits samples pursuant to paragraph (d) (3) to (7) of this section, inclusive, of his approval or refusal to approve the use of the materials represented by such samples in completing the manufacture of the batch. In case of a refusal to approve, the Commissioner shall state his reasons therefor.

(l) If, under the provisions of paragraph (j) or (k) of this section, the Commissioner has refused to approve any material for use in a subsequent operation, he shall examine no other sample required hereunder which includes such material as an ingredient or component of an ingredient, unless and until the person requesting certification makes an adequate showing that the

cause for such refusal no longer exists.*

§ 144.3 *Certifications.* (a) If it appears to the Commissioner, after such investigation as he considers necessary, that:

(1) The information, including results of tests and assays, and the samples, required by or pursuant to § 144.2 have been submitted and such information contains no untrue statement of a material fact;

(2) The batch complies with these regulations and conforms to the standards of identity, strength, quality, and purity for insulin U. S. P. or for protamine zinc insulin;

the Commissioner shall certify that such batch is safe and efficacious for use, subject to such conditions on the effectiveness of such certifications as are set forth in § 144.4, and shall issue to the person who requested it a certificate to that effect.

(b) If the Commissioner determines, after such investigation as he considers to be necessary, that the information submitted pursuant to § 144.2, or the batch covered by such request, does not comply with the requirements set forth in paragraph (a) of this section for the issuance of a certificate, the Commissioner shall refuse to certify such batch and shall give notice thereof to the person who requested certification, stating his reasons for refusal.

(c) For the purposes of his investigations under the authority of this section, the Commissioner may accept, when he is satisfied as to the completeness and accuracy thereof, the results of any tests or assays made by the control laboratory of the Insulin Committee of the University of Toronto, pursuant to a licensing agreement entered into prior to the date of enactment of Public Law 366, 77th Cong., 1st Sess. (1941).*

§ 144.4 *Conditions on the effectiveness of certificates.* (a) A certificate shall not become effective:

(1) if it is obtained through fraud, or through misrepresentation or concealment of a material fact;

(2) with respect to any package unless its immediate container complies with the requirements of § 144.5 and such package has been so sealed that its contents cannot be used without destroying such package or seal; or

(3) with respect to any package unless its label and labeling bear all words, statements, and other information, and are distinguished by the color or colors, required by §§ 144.6 and 144.7.

(b) A certificate shall cease to be effective:

(1) with respect to any package of insulin U. S. P., 2 years after such package is removed from the storage required by § 144.2 (1);

(2) with respect to any package of protamine zinc insulin, 18 months after the immediate container therein was filled, but in no case shall a certificate remain effective with respect to any package more than 12 months after it

is removed from the storage required by § 144.2 (1):

(3) with respect to any package, when such package or the seal thereof or the immediate container therein is broken, or when its label or labeling ceases to conform to any requirement of §§ 144.6 or 144.7; or

(4) with respect to any package when the drug therein so changes that it fails to meet the standards of identity, strength, quality, and purity upon the basis of which the batch was certified; except that those minor changes in potency (not exceeding 10 percent from the potency stated on the label, in the case of insulin U. S. P.) which occur before the expiration date, and which are normal and unavoidable in good storage and distribution practice, shall be disregarded.*

§ 144.5 *Packaging.* Each batch shall be packaged in immediate containers of colorless transparent glass. Such containers shall be closed with a substance through which successive doses may be withdrawn by hypodermic needle without removing the closure or destroying its effectiveness. The containers and closures shall be sterile at the time the containers are filled and closed. The composition of the containers and closures shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor prescribed in applicable standards of strength, quality, and purity.*

§ 144.6 *Labeling.* Each package from a batch that has been certified in accordance with the regulations in this part shall bear, on its label or labeling as hereinafter indicated; the following:

(a) On the outside wrapper or container and the immediate container of the retail package—

(1) the batch mark of such batch; and
(2) the strength of the drug in terms of U. S. P. units of insulin per cubic centimeter.

(b) On the outside container or wrapper of the retail package—

(1) the statement "Expiration date _____", the blank being filled in with the date on which the certificate applicable to such batch expires with respect to such package, as provided in § 144.4 (b) (1) or (2); and

(2) the statement "Keep in a cold place; avoid freezing".

(c) On the circular or other labeling of the retail package—

(1) a statement that the treatment of diabetes mellitus is an individual problem and that the use of the drug, the time of its administration, the number of daily doses and the quantity of each, as well as diet and exercise, are problems which require direct and continuous medical supervision;

(2) a statement explaining that the volume of the dose depends on the number of units of insulin per cubic centimeter stated on the label, and that the patient should understand the meaning of the volume markings on the syringe;

(3) a description of a practicable method for sterilizing the needle and syringe before use;

(4) a description of the technique of withdrawal from the vial and the use of an antiseptic on the stopper, and a caution against removal of the stopper;

(5) a description of the technique for cleansing, and the use of an antiseptic on, the site of injection;

(6) a statement that failure to comply with the techniques described in paragraphs (3), (4), and (5) of this section may lead to infection of the patient;

(7) a statement that injection should be subcutaneous, at a different site from that of the preceding injection, and a caution against intravenous or intramuscular use;

(8) an explanation of hypoglycemia and its relation to over-dosage, omission of meals, illness, and infection;

(9) a statement of the significance of sugar in the urine and of the necessity of tests therefor; and

(10) a caution against use after the expiration date shown on the outside wrapper or container.

(d) On the circular or other labeling of the retail package, if the batch is insulin U. S. P. (in addition to the information required by paragraphs (a), (b), and (c) of this section), a caution against use if the drug has become viscous or if its color has become other than water clear.

(e) On the outside wrapper or container and the immediate container of the retail package, if the batch is protamine zinc insulin (in addition to the information required by paragraphs (a), (b), and (c) of this section), the statement "Shake carefully", or "Shake well before using", or "Shake well".

(f) On the circular or other labeling of the retail package, if the batch is protamine zinc insulin (in addition to the information required by paragraphs (a), (b), (c), and (e) of this section)—

(1) an explanation of the difference, as compared with insulin U. S. P., in onset of action, duration, and the time and frequency of administration;

(2) a caution that it is not to be substituted for insulin U. S. P., except on the advice and direction of a physician;

(3) a statement that a uniform suspension of the preparation is necessary and is brought about by careful shaking before use;

(4) a caution against use when the precipitate has become lumped or granular in appearance or has formed a deposit of solid particles on the wall of the container.*

§ 144.7 *Distinguishing colors on packages.* (a) The outside containers or wrappers of the packages, and the labels on the immediate containers, of each strength of insulin U. S. P. shall be distinguished by the following color:

Yellow, if it contains 20 U. S. P. units of insulin per cubic centimeter;

Red, if it contains 40 U. S. P. units of insulin per cubic centimeter;

Green, if it contains 80 U. S. P. units of insulin per cubic centimeter;

Orange, if it contains 100 U. S. P. units of insulin per cubic centimeter.

But if the master lot used was in crystalline form, the distinguishing colors, instead of those prescribed above, may be the following:

Blue and gray, or blue, gray, and yellow, if it contains 20 U. S. P. units of insulin per cubic centimeter;

Red and gray, if it contains 40 U. S. P. units of insulin per cubic centimeter;

Green and gray, if it contains 80 U. S. P. units of insulin per cubic centimeter.

(b) The outside containers or wrappers of the packages, and the labels on the immediate containers, of each strength of protamine zinc insulin shall be distinguished by the following colors:

Red and white, if it contains 40 U. S. P. units of insulin per cubic centimeter;

Green and white, if it contains 80 U. S. P. units of insulin per cubic centimeter.*

§ 144.8 *Records of distribution.* (a) The person to whom a certificate is issued shall keep complete records showing each shipment and other delivery (including exports) of each batch or part thereof, by the person requesting certification, and showing each such shipment and delivery into, or from any place in, any state or territory, made by any person subject to his control, including records showing the date and quantity of each such shipment and delivery and the name and post office address of the person to whom such shipment or delivery was made.

(b) Upon the request of any officer or employee of the Food and Drug Administration or of any other officer or employee of the United States, acting on behalf of the Administrator, the person to whom a certificate is issued, at all reasonable hours within three years after disposal of all the batch covered by such certificate, shall make such records available to any such officer or employee, and shall accord to such officer or employee full opportunity to make inventory of stocks of such batch on hand and otherwise to check the correctness of such records.*

§ 144.9 *Authority to refuse certification service.* When the Administrator finds, after giving notice and opportunity for hearing, that a person has:

(a) Obtained or attempted to obtain a certificate through fraud, or through misrepresentation or concealment of a material fact;

(b) Falsified the records required to be kept by § 144.8; or

(c) Failed to keep such records or to make them available, or to accord full opportunity to make an inventory of stocks on hand or otherwise to check the correctness of such records, as required by such section,

the Administrator may immediately suspend service to such person under these regulations and may continue such suspension unless and until such person shows adequate cause why such suspension should be terminated.*

§ 144.10 *Fees.* (a) Fees for the services rendered under the regulations in this part shall be such as are necessary

to provide, equip, and maintain an adequate certification service.

(b) Each request for certification submitted, or the initial sample or samples submitted in connection therewith pursuant to § 144.2 (d), whichever is sent first to the Commissioner, shall be accompanied by an advance deposit of \$100 to cover the fee; except, that, if the results of an assay made for potency on a sample of a trial dilution by the laboratory referred to in § 144.3 (c) are not submitted and are not to be submitted, such advance deposit shall be \$1,000.

(c) Each sample of trial mixture submitted pursuant to § 144.2 (d) (7) shall be accompanied by an advance deposit of \$350 to cover the fee, unless the results of the tests for biological reactions made by the laboratory referred to in § 144.3 (c), are submitted or are to be submitted.

(d) Whenever necessary to prevent arrears in payment of the fee, such additional advance deposits covering such fee shall be made as the Commissioner estimates to be necessary to prevent arrears in payment thereof.

(e) Advance deposits made pursuant to paragraphs (b), (c), and (d) of this section shall be charged with the fee for the service rendered. If the total of such advance deposits made by any person exceeds the fee for service to such person, the excess shall be returned to such person upon the completion of such service.

(f) All advance deposits required by these regulations shall be paid by money order, bank draft, or certified check drawn to the order of the Treasurer of the United States, collectible at par, at Washington, D. C.

(g) All earned fees shall be deposited in the Treasury of the United States to the credit of Miscellaneous Receipts, Federal Security Agency.*

§ 144.11 *Standards of identity, strength, quality, and purity for protamine zinc insulin.* Protamine zinc insulin is a preparation, in a buffered medium, of insulin modified by the addition of protamine and zinc chloride. The quantity of insulin used is such that each cubic centimeter of the finished preparation, when the precipitate therein is brought into uniform suspension, contains either 40 or 80 U. S. P. units of insulin. The quantity of protamine used is such that the concentration of insulin in each cubic centimeter of the supernatant liquid, obtained by centrifuging the preparation, is not more than 1 U. S. P. unit for the 40 unit preparation and not more than 1.5 U. S. P. units for the 80 unit preparation; but in no case is the quantity of protamine used (calculated to a moisture-free basis) less than 1.0 milligram or more than 1.5 milligrams for each 100 U. S. P. units of insulin used. The preparation also contains, for each 100 U. S. P. units of insulin used, not less than 0.20 milligram and not more than 0.25 milligram zinc, and not more than 1.25 milligrams total nitrogen. Disodium phosphate (calculated as Na_2HPO_4) is used in a quantity not less than 0.15 percent and not more than 0.25 percent (w/v). The pH of the finished preparation is not less than 7.1

and not more than 7.4. If necessary, either hydrochloric acid or sodium hydroxide may be added to attain the required pH. The finished preparation also contains not less than 1.40 percent and not more than 1.80 percent (w/v) glycerin U. S. P., and either cresol U. S. P. in a quantity not less than 0.18 percent and not more than 0.22 percent (w/v) or phenol U. S. P. in a quantity not less than 0.22 percent and not more than 0.28 percent (w/v). The preparation is sterile. The protamine used is prepared from the sperm or mature testes of fish belonging to the family *Salmonidae*, genus *Oncorhynchus*, *Salmo*, or *Trutta*. When protamine is dried to constant weight at 100° C. its total nitrogen content is not less than 22.5 percent and not more than 25.5 percent, and its sulfate content, calculated as SO_4 , is not less than 16 percent and not more than 19 percent.*

§ 144.12 *Tests and methods of assay.* The following tests and methods of assay are prescribed for the purposes of the regulations in this part: (All reagents specified herein shall be of U. S. P. quality or better.)

(a) *Tests and methods of assay for insulin U. S. P.* The tests and methods of assay for insulin U. S. P. shall be those set forth therefor in the United States Pharmacopoeia.

(b) *Biological reaction for protamine zinc insulin containing 40 U. S. P. units of insulin per cubic centimeter.* The rate, amount, and duration of effect in lowering the blood sugar of rabbits by protamine zinc insulin is determined by comparing the average blood sugar concentrations at various intervals during not less than an 11-hour observation period following the administration of protamine zinc insulin subcutaneously into rabbits, with the average blood sugar concentrations similarly obtained by administration of protamine zinc insulin reference material prepared as herein-after set forth.

(1) *Protamine zinc insulin reference material.* Prepare the protamine zinc insulin reference material to contain 40 U. S. P. units of insulin per cubic centimeter from the following component solutions (or solutions of the same proportionate composition per cubic centimeter) by adding, with gentle shaking, to a suitable volume of Solution 4, accurately measured at room temperature, an equal volume of Solution 2. Test the reaction and if it is not within the limits of pH 7.1 to pH 7.4 discard and prepare a new mixture using a freshly prepared sample of Solution 2 in which the hydrogen ion concentration has been suitably adjusted by the addition of a solution of either sodium hydroxide or hydrochloric acid. Store in a refrigerator and do not use until at least 2 days, and in no event more than 6 months, have elapsed after preparation.

The solutions referred to above are:

Solution 1. Dissolve 0.183 gram zinc oxide in 60 cubic centimeters of approximately tenth-normal hydrochloric acid. Add 16 grams glycerin, 2.5 grams phenol (or 2 grams cresol), and sufficient dis-

tilled water to make the final volume 1,000 cubic centimeters.

Solution 2. Dissolve 4 grams disodium phosphate (calculated as Na_2HPO_4), 16 grams glycerin, and 2.5 grams phenol (or 2 grams cresol) in sufficient distilled water to make the final volume 1,000 cubic centimeters. Adjust the reaction, if necessary, as directed above.

Solution 3. Dissolve in Solution 1, in the proportion of 1 milligram per cubic centimeter, not less than 100 milligrams of the reference protamine provided for in paragraph (1). Preserve this solution in a cold place and do not use after 6 months from the time of preparation.

Solution 4. Weigh accurately a suitable quantity of U. S. P. Zinc-Insulin Crystals Reference Standard and dissolve in a sufficient quantity of Solution 3 to yield a concentration of 80 U. S. P. units of insulin per cubic centimeter. If necessary add 1 drop of dilute hydrochloric acid to effect complete solution. Store this solution in a refrigerator and do not use after 3 months from the time of preparation.

(2) *Test animal.* The test animal shall be the same as that described in the United States Pharmacopoeia for the assay of insulin U. S. P.

(3) *Volume of the protamine zinc insulin reference material to be injected.* The volume of the preparation to be injected shall be determined as described in the United States Pharmacopoeia for the assay of insulin U. S. P.

(4) *Conduct of the test.* Divide the animals into 2 similar groups of approximately equal numbers. With the rabbits in individual cages, withhold all food, except water, approximately 24 hours before the test. Weigh the rabbits within about two hours before beginning the test and thereafter withhold water until the final sample of blood has been taken. Handle the rabbits with such care as to avoid exciting them unduly. Obtain for the determination of the initial blood sugar concentration slightly more than 1 cubic centimeter of blood from a small incision in the marginal ear vein. Collect the blood in a suitable vessel containing about 3 milligrams of potassium or sodium oxalate. After obtaining this sample of blood, inject subcutaneously, without dilution, into the rabbits of one group the appropriate dose (determined as directed in subparagraph (3) of this paragraph) of protamine zinc insulin reference material and into the rabbits of the other group the same volume of the preparation to be tested. In the same manner as for the determination of the initial blood sugar concentration, obtain at least 4 samples of blood (in addition to the initial sample) from each rabbit at intervals of 2 to 3 hours, over a period of not less than 11 hours after the injection. Determine the blood sugar concentration in each sample of blood. About 1 week later inject the preparation being tested into each rabbit of the group which received the protamine zinc insulin reference material; in a similar manner inject the protamine zinc insulin reference material into each rabbit of the group which received the preparation be-

ing tested. Obtain samples of blood in the same manner as described above and determine the concentration of sugar in each of them. The volume of each injection of the protamine zinc insulin reference material and of the preparation being tested shall be the same for each rabbit. Results on a total of not less than 30 rabbits shall constitute a test.

Average blood sugar concentration obtained at time x by the protamine zinc insulin reference material

Index at time $x = \frac{\text{Average blood sugar concentration obtained at time } x \text{ by the preparation being tested}}{\text{Average blood sugar concentration obtained at time } x \text{ by the preparation being tested}}$

The preparation tested is satisfactory if the index for each bleeding time except the last is between 0.92 and 1.08 and the average of all the indexes is between 0.95 and 1.05.

(c) *Biological reaction for protamine zinc insulin containing 80 U. S. P. units of insulin per cubic centimeter.* Protamine zinc insulin containing 80 U. S. P. units of insulin per cubic centimeter is tested according to the method prescribed in paragraph (b) of this section for the assay of protamine zinc insulin containing 40 U. S. P. units of insulin per cubic centimeter, except that:

(1) The protamine zinc insulin reference material is so prepared as to contain 80 U. S. P. units of insulin per cubic centimeter with zinc and protamine in the same relative proportions per unit of insulin as specified for the protamine zinc insulin reference material in paragraph (b) of this section; and

(2) In the interpretation of the data the index for each bleeding time other than the last is between 0.85 and 1.15 and the average of the indexes is between 0.90 and 1.10.

(d) *Biological reaction for the activity of the supernatant liquid.* Centrifuge the protamine zinc insulin under test and remove a sample of the clear supernatant liquid.

(1) *Standard solution.* The standard solution is the same as that described in the United States Pharmacopoeia for the assay of insulin U. S. P.

(2) *Diluent for standard solution and supernatant liquid.* Prepare a diluent, using distilled water, containing not less than 0.10 percent and not more than 0.25 percent (w/v) phenol or cresol, not less than 1.40 percent and not more than 1.80 percent (w/v) glycerin, and hydrochloric acid in such quantity that the pH of the finished solution is not less than 2.5 and not more than 3.5.

(3) *Dilution of the standard solution.* Dilute the standard solution with the diluent specified in subparagraph (2) so that 0.25 cubic centimeter of the standard solution so diluted will cause convulsions in approximately 50 percent of the test animals, but in no case in less than 30 percent or more than 75 percent of the test animals.

(4) *Dilution of the supernatant liquid.* Dilute the sample of the supernatant with the diluent specified in subparagraph (2). On the assumption that 1 cubic centimeter of the sample of the

(5) *Blood sugar determination.* The method shall be that described for the assay of insulin U. S. P.

(6) *Interpretation of the data.* The index of the relative effect at each bleeding time of the preparation being tested compared with that of the protamine zinc insulin reference material is calculated from the formula:

supernatant liquid contains 1 U. S. P. unit of insulin for the 40 unit preparation and 1.5 U. S. P. units of insulin for the 80 unit preparation, make the dilution of the supernatant liquid such that the final concentration of insulin therein is the same as the concentration of insulin in the dilution of the standard solution.

(5) *Test animal.* Select for test purposes healthy white mice weighing not less than 17 grams, and not more than 21 grams and otherwise suitable. Withhold all food, except water, for at least 5 hours before the test. Divide the mice into 2 groups and identify by an appropriate mark all the mice of one group.

(6) *Conduct of the test.* Inject subcutaneously 0.25 cubic centimeter of the dilution of the standard solution into each mouse of one group and 0.25 cubic centimeter of the dilution of the supernatant liquid being tested into each mouse of the other group. Inject a total of not less than 100 mice with each dilution. Upon injection place the mice in containers, suitably ventilated and maintained at a uniform temperature of not less than 32° C. and not more than 38° C., so that each container will have an equal number of mice from each group. During the test the temperature should not fluctuate more than plus or minus 1° C. Observe all the mice for the same length of time, but not less than 60 minutes and not more than 90 minutes after injection. Record the number which are in collapse or show convulsions.

(7) *Interpretation of results.* When the number of mice in which collapse or convulsions are observed following the injection of the dilution of the supernatant liquid being tested does not exceed the number of mice in which collapse or convulsions occurred following the injection of the dilution of the standard solution, the preparation is considered as complying with the requirements of § 144.11 with respect to the insulin content of the supernatant liquid.

(e) *Identification of protamine zinc insulin.* Acidify protamine zinc insulin so that the pH is not less than 2.5 and not more than 3.5. The precipitate dissolves giving a clear colorless liquid. Using this liquid proceed as directed in the United States Pharmacopoeia for the identification of insulin U. S. P.

(f) (1) *Sterility of protamine zinc insulin.* Use one of the following media:

(1) *Fluid thioglycollate medium (Brewer)*. Prepare broth base from the following ingredients, in the proportions indicated:

	Grams
Ground fresh beef (freed of fat)-----	500
Sodium chloride-----	5
Dipotassium phosphate (K_2HPO_4 , anhydrous)-----	2
Peptone-----	10
	Cubic centimeters
Distilled water-----	1,000

Mix the ground meat thoroughly in the distilled water and allow to stand at 5° C. for 24 hours. Collect the liquid by straining through cloth and heat it for one hour in flowing steam, then for 30 minutes at not less than 15 pounds pressure (121° C.). Filter while hot through moistened filter paper and make up to the original volume with distilled water. Add the remaining ingredients and stir until solution is completed. So adjust the reaction with sodium hydroxide solution that the pH of the completed broth base is 7.5. Heat in flowing steam for 30 minutes and clear by filtration. If the broth base is to be stored, it is then sterilized at not less than 15 pounds pressure (121° C.) for not less than 20 minutes.

To 1000 cubic centimeters of this broth base add the following ingredients:

	Grams
Dextrose (anhydrous)-----	10.0
Sodium thioglycollate-----	1.0
Agar (less than 15 percent moisture by weight)-----	.5
	Cubic centimeter
Methylene blue (certified by Commission on Standardization of Biological Stains), 0.2 percent solution-----	1.0

Add the agar to the broth base, mix well, and dissolve by heating gradually to the boiling point. Cool to approximately 80° C. and add the remaining ingredients. Stir until solution is completed and ingredients are uniformly distributed. So adjust the reaction with sodium hydroxide solution that the pH of the completed and sterile medium is not less than 7.4 and not more than 7.6.

(ii) *Fluid thioglycollate medium (Linden)*. Prepare this medium from the following ingredients, in the proportions indicated:

	Grams
Peptone-----	20.0
Dextrose (anhydrous)-----	5.0
Yeast extract (dehydrated)-----	2.0
Sodium thioglycollate-----	1.0
Sodium chloride-----	5.0
Agar (less than 15 percent moisture by weight)-----	.5
Dipotassium phosphate (K_2HPO_4 , anhydrous)-----	2.5
	Cubic centimeters
Distilled water-----	1,000.0
Methylene blue (certified by Commission on Standardization of Biological Stains), 0.2 percent solution-----	1.0

Dissolve the agar in half the volume of distilled water by boiling or heating in flowing steam. Dissolve the remaining ingredients, except the methylene blue, in the remaining water with the

aid of heat and mix the two solutions. So adjust the reaction with sodium hydroxide solution that the pH of the completed and sterile medium is not less than 7.4 and not more than 7.6. Filter clear while hot and add the methylene blue solution.

(iii) *Dehydrated media*. Any medium prepared from dehydrated materials which, when it is reconstituted for use, has growth-promoting, buffering, and oxygen tension controlling properties at least equal to those of either of the above media.

(iv) In the preparation of any of the foregoing media avoid all contamination with calcium. Do not use sodium thioglycollate which is yellow or yellowish-brown or has an abnormal odor.

(2) *Conduct of the test*. Using straight-walled, slender tubes of appropriate size, place in each, 15 cubic centimeters of the medium to be used for the sterility test and sterilize in an autoclave at not less than 15 pounds pressure (121° C.) for not less than 20 minutes. Test tubes 150 by 20 millimeters are satisfactory for this purpose.

After removal of the tubes from the autoclave, allow to cool to below 25° C. in order to set the agar. Store, protected from excessive light, at a temperature of not less than 15° C. and not tested from excessive light, at a temperature increases absorption of atmospheric oxygen). If more than 20 percent of the uppermost portion of the medium has changed to a green color, it is not suitable for use. Under such circumstance one reheating in flowing steam to drive off the absorbed oxygen is permissible.

Test each lot of medium for its growth-promoting qualities by a trial run. Discard the medium unless it supports growth when inoculated with 1 cubic centimeter of a 1:100,000 dilution of a 24-hour broth culture of *Clostridium novyi* and also when inoculated with 1 cubic centimeter of a 1:100,000 dilution of a 24-hour broth culture of *Escherichia coli*.

Test sterility of protamine zinc insulin injection by inoculating 1 cubic centimeter thereof into each tube of medium used, under strict aseptic precautions. Incubate all tubes at 37° C. for seven days and examine on the second, fourth, and seventh days after inoculation. Agitate only after 48 hours' incubation to insure initial anaerobiosis. If at the end of the seven days 50 percent or more of the medium in any tube has changed from the color of the fresh medium to a green color, discard the test.

(g) *Sulfate in protamine*—(1) *Conduct of test*. Weigh accurately about 10 milligrams of protamine into a small casserole or beaker, add 0.2 cubic centimeter of normal sodium hydroxide and evaporate carefully to dryness. Heat over a flame until a grayish-white ash results. Dissolve the ash in 1 cubic centimeter of tenth-normal hydrochloric acid, transfer quantitatively to a 50-cubic centimeter calibrated centrifuge tube, neutralize to litmus and make the volume to 10 cubic centimeters with distilled water.

To the neutral solution add 2 cubic centimeters of benzidine test solution, referred to in subparagraph (2) of this paragraph, and 4 cubic centimeters of 95 percent (w/v) solution of acetone in distilled water. Allow to stand for 10 minutes and centrifuge for not less than 15 minutes at approximately 3,000 revolutions per minute. Carefully remove the supernatant fluid by means of a pipette having a very small opening at the tip. Wash the precipitate twice, using 10 cubic centimeters of 95 percent acetone for each washing. Carefully remove the supernatant acetone and place the tube in a boiling water bath until the odor of acetone disappears. Suspend the precipitate with 10 cubic centimeters of distilled water, introduce 1 drop of phenolphthalein test solution U. S. P. and titrate while hot with fiftieth-normal sodium hydroxide to the first faint permanent pink, observing carefully whether all particles of the benzidine sulfate precipitate have dissolved and, if not, reheating to bring the last traces into solution. Use a burette graduated in divisions of not more than 0.05 cubic centimeter so that readings can be estimated to 0.01 cubic centimeter.

Each cubic centimeter of fiftieth-normal sodium hydroxide is equivalent to 0.960 milligram of sulfate (SO_4). Calculate the results to a moisture-free basis.

(2) *Reagent*. Benzidine test solution. Dissolve 4 grams of benzidine in 45 cubic centimeters of normal hydrochloric acid and dilute to 250 cubic centimeters with distilled water. Before use, remove by filtration through ash-free filter paper any brown residue present.

(h) *Sulfate in protamine zinc insulin*. Place an accurately measured quantity of 5 to 10 cubic centimeters of well mixed protamine zinc insulin in a small casserole or beaker. Add 0.2 cubic centimeter of normal sodium hydroxide and evaporate carefully to dryness. Heat over a flame until a grayish-white ash results. Dissolve the ash in 1 cubic centimeter of tenth-normal hydrochloric acid, transfer quantitatively to a 25-cubic centimeter volumetric flask and add concentrated ammonium hydroxide dropwise until the solution is faintly pink, and then introduce 5 cubic centimeters of 5 percent (w/v) solution of ammonium chloride in distilled water. Fill the flask to the mark with distilled water, mix and pour the liquid into a dry Erlenmeyer flask containing approximately 0.65 gram of finely powdered basic magnesium carbonate. Shake for one minute and transfer to a 9-centimeter filter paper, fitted into a funnel, enough of the suspension to approximately fill the filter paper. Collect the filtrate in the same flask from which the suspension was transferred until the filtrate becomes clear. Then begin the collection in a dry flask until filtration is complete. Transfer 10 to 15 cubic centimeters of the filtrate to a 50-cubic centimeter calibrated centrifuge tube and neutralize to litmus with sodium hydroxide. Proceed from this point with the test as described in paragraph (g) (1), for sulfate in protamine beginning with the sentence "To the neutral solution * * *".

(i) *Total nitrogen in protamine zinc insulin.* (1) The total nitrogen content of protamine zinc insulin is determined by the method described in the United States Pharmacopoeia for insulin U. S. P.

(2) The total nitrogen content of protamine is determined by the method described in the United States Pharmacopoeia for insulin U. S. P., except that the sample taken for analysis is approximately 25 milligrams of protamine.

(j) *Zinc in insulin-containing solutions and in protamine zinc insulin.* The method shall be that described in the United States Pharmacopoeia under the test for zinc in insulin U. S. P.

(k) *Zinc in insulin-containing solids.* Dissolve 10 to 20 milligrams, accurately weighed, of insulin-containing solids in 5 to 10 cubic centimeters of distilled water containing 1 drop of five-normal hydrochloric acid, and proceed as directed in the United States Pharmacopoeia under the test for zinc in insulin U. S. P.

(l) The Commissioner shall, for the purposes of the tests and assays prescribed under this section, provide a suitable reference protamine, and shall, at cost, furnish any person making written request therefor a sample thereof.

The foregoing regulations in this part shall become effective immediately, except that:

(a) the provisions of § 144.6 (b) (1) shall not apply to any package of insulin U. S. P. which has been filled on or before February 10, 1942, and

(b) the provisions of § 144.6 (c) and (d) shall become effective on the 180th day after the date of this order.

WATSON B. MILLER,
Acting Administrator.

FEBRUARY 4, 1942.

[F. R. Doc. 42-1084; Filed, February 5, 1942;
11:34 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

[No. 50]

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 32, entitled "Certificate of Appreciation," effective immediately upon the filing hereof with the Division of the Federal Register.¹

¹ Filed as part of the original document.

The foregoing addition shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of the Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

FEBRUARY 2, 1942.

[F. R. Doc. 42-1066; Filed, February 4, 1942;
2:37 p. m.]

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

Priorities Regulation No. 5

§ 944.25 *Priorities Regulation No. 5: Reproduction of forms and orders—(a) General rule; reproduction of forms and orders permitted with certain exceptions.* Except as provided in (b) hereof, any form or order issued by the Director of Priorities or by the Director of Industry Operations may be reproduced by any person in the manner provided in paragraph (c) of this section.

(b) *Exceptions to general rule.* Reproduction of certain forms and orders is restricted as follows:

(1) The reproduction of those forms or orders heretofore issued which are listed in Exhibit A attached hereto is prohibited or limited as provided in said Exhibit, by reason of the need for detailed supervision of operations thereunder.

(2) Reproduction of any form or order hereafter issued which contains a provision prohibiting or limiting such reproduction and expressly excepting such form or order from this Regulation shall be prohibited or limited as therein provided.

(3) The restrictions contained in this paragraph (b) of this section shall not apply to the reproduction of any form (as distinguished from order) where such reproduction has the words "Specimen Copy" clearly set forth on the face thereof, nor shall said restrictions apply to any reproduction hereafter expressly permitted by the Director of Industry Operations.

(c) *Methods of reproduction.* In any case where the provisions of this Regulation permit the reproduction of a form or order, such reproduction may be by any process, photographic, printing, mimeographing, or otherwise, provided that:

(1) All copies must be identical with the officially published form or order as to wording, paragraphing and punctuation.

(2) Copies which are to be filed with any agency of the United States Government or to be served on another party must be identical with the officially published form or order as to size and substantially the same as to color of paper and location on the page of spaces to be filled in by the person filing or serving such copies.

(3) Copies of all orders bearing the signature of any official of the United States Government must include such signature. This must be in type or print, preceded by "(Signed)", unless the entire order is reproduced by photographic process.

(d) *Information copies.* Copies of any order which contains the name and address of the producer or other person to whom the order is issued or a serial number identifying such person, must either contain such name and address and serial number or be clearly designated as information copies by inserting the words "Information Copy" in the space provided for such name, address and serial number. No such order may be reproduced in blank without such designation. In any case where the provisions of this Regulation permit reproduction of an order and the order requires delivery of a copy to a Supplier but does not expressly require that such copy contain the name, address and serial number of the person to whom the order is issued, an information copy designated as provided above may be delivered and an information copy may be accepted where, by the terms of such order, acceptance is required.

(e) *Revocation of inconsistent provisions.* All provisions in any forms, orders, rules, regulations, instructions or published statements heretofore issued by the Office of Production Management, the Director of Priorities or the Director of Industry Operations regarding the reproduction of forms and orders are hereby revoked or amended to the extent that they are inconsistent with this section, but otherwise shall remain in full force and effect in accordance with their terms.

(f) *Effective date.* This Regulation shall take effect immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a) Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 5th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

Exhibit A

Reproduction of the following forms and Orders is prohibited except as provided in Paragraph (b) (3) of the foregoing § 944.25:

PD-1-c, PD-3, PD-3A, P-25-a through P-25-e, P-26-a through P-26-e, P-35.

Reproduction of the following Orders is limited to reproduction by or for producers (not suppliers) operating under said Orders: P-3, P-4, P-9-a through P-9-g, P-13, P-15, P-52.

Reproduction of the following Order is limited to reproduction by persons entitled to apply the preference rating: P-41.

[F. R. Doc. 42-1072; Filed, February 5, 1942; 10:43 a. m.]

PART 1027—SULPHITE PULP

Amendment to General Preference Order M-52

The allocation schedule of sulphite wood pulp¹ attached to § 1027.1 (*General Preference Order M-52*) as amended, is hereby further amended to read as follows:

17 F.R. 517.

ALLOCATION SCHEDULE OF SULPHITE WOOD PULP

Government supplier	Total scheduled allocated tonnage per month	Producer	Individual producers' scheduled allocated tonnage per month	Designation of brand or grade used commercially by producer
Rayonier, Inc.	8400	Algonquin Paper Corp.	68	Unbl. Sulphite.
		Anacortes Pulp Co.	178	Raybook.
		Badger Paper Mills.	62	Wet Lap Bond Bleached.
		Brown Company.	514	Bl. & Unbl. Sulphite.
		Castanea Paper Co.	84	Wet Lap Soft Book Bl.
		Champion Paper & Fibre Co.	150	Aspen Bl. Sulphite.
		Columbia River Paper Mills.	84	Col. River Unbl. Rolls.
		Consolidated Water Power.	290	Bl. Sulphite.
		Coos Bay Pulp Corp.	174	Raybook.
		Crown Zellerbach Corp.	534	Camas Strong Unbl. and West Lynn Unbl.
		Detroit Sulphite.	96	Unbl. Sulphite.
		Dexter Sulphite.	76	Bl. Sulphite.
		Eastern Corporation.	240	Bl. Sulphite.
		Falls Pulp & Paper Co.	42	Wet Lap Newsgrade Unbl.
		Fibreboard Products, Inc.	68	Fibreboard Unbl. Rolls.
		Flambeau Paper Co.	48	Wet Lap Soft Book Bl. & Wet Lap Easy Bleaching Unbl.
		Gould Paper Company.	26	Wet Lap Newsgrade Unbl.
		Groveton Paper Company.	80	Bl. Sulphite.
		Great Northern Paper Co.	120	Unbl. Sulphite.
		Hammermill Paper Company.	206	Bl. Sulphite.
		Hawley Pulp & Paper Co.	110	Newsgrade Unbl. Rolls.
		Hoberg Paper Mills.	106	Wet Lap Hardwood Unbl.
		Hollingsworth & Whitney.	164	Weyerhaeuser Strong Unbl. Wet Lap Strong.
		Inland Empire Paper Co.	34	Newsgrade Unbl. Rolls.
		International Paper Co.	274	Bl. Sulphite.
		Kennebec Pulp & Paper Co.	54	Wet Lap Easy Bl. Unbl.
		Kimberly Clark Corp.	224	Wet Lap Strong Unbl.
		Maine Seaboard Paper Co.	90	Wet Lap Newsgrade Unbl.
		Marathon Paper Mills Co.	114	Soundview Bond Bl.
		Minnesota & Ontario Paper Co.	148	Wet Lap Newsgrade Unbl.
		Mount Tom Sulphite Pulp Co.	42	Bl. Sulphite.
		Munising Paper Co.	76	Wet Lap Book Bl.
		Nekoosa Edwards Paper Co.	112	Wet Lap Bl.
		Northern Paper Mills.	130	Wet Lap Book Bl. and Wet Lap Newsgrade Unbl.
		Northwest Paper Co.	72	Wet Lap Book Bl. and Wet Lap Easy Bl. Unbl.
		Oregon Pulp & Paper Co.	198	Col. River Unbl. Rolls.
		Oxford Paper Co.	214	Soft Book Bl.
		Penobscot Chemical Fibre Co.	86	Penobscot Bond Bl.
		Parker-Young Company.	68	Bl. Sulphite.
		Port Huron Sulphite & Paper Company.	50	
		Puget Sound Pulp & Timber Co.	396	Puget Sound Strong Unbl.
		Racquette River Paper Co.	32	Wet Lap Strong Unbl.
		Rayonier, Inc.	1,036	Bl. & Unbl.
		Rhineland Paper Co.	56	Wet Lap Bl. and Wet Lap Unbl.
		J. & J. Rogers & Co.	40	Bl. Sulphite.
		St. Croix Paper Co.	46	Wet Lap Newsgrade Unbl.
		St. Regis Paper Co.	196	Raybond or other.
		Soundview Pulp Co.	564	Soundview Bond Bl. and Soundview Book Bl.
		Spaulding Pulp & Paper Co.	82	Strong Unbl.
		Sterling Pulp & Paper Co.	74	"Slush" Bl. & Unbl.
		Wausau Paper Mills Co.	58	Wet Lap Bl. and Wet Lap Unbl.
		West Virginia Pulp & Paper Co.	150	Canadian Unbl. and Wet Lap Bl.
		Weyerhaeuser Timber Co.	536	Weyerhaeuser Bond Bl. & Weyerhaeuser Book Bl.
		Wolf River Paper & Fibre Co.	28	Wet Lap Newsgrade Unbl.
			8,400	

¹ Contribution made by releasing pulp purchased from other producer.

This amendment shall take effect as of February 1, 1942. (P.D. Reg. 1, Amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329, E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as

amended by Pub. No. 89, 77th Cong., 1st sess.)

Issued this 5th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1073; Filed, February 5, 1942; 10:44 a. m.]

PART 1083—KAPOK

General Conservation Order M-85 To Conserve the Supply and Direct the Distribution of Kapok

Whereas the uncertainty of future shipments of kapok from abroad and the fulfillment of requirements for the defense of the United States have resulted in a shortage in the supply of kapok for defense, for private account, and for export, and it is necessary in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution of kapok and to allocate the supply thereof in the manner hereinafter in this Order provided;

Now, therefore, it is hereby ordered, That:

§ 1083.1 General conservation order—
(a) *Applicability of Priorities Regulation No. 1.*¹ This Order and all transactions affected thereby are subject to the provisions and definitions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Additional definitions.* For the purposes of this Order:

(1) "Kapok" shall mean the fiber or pulp from the pod of the *Ceiba* or Kapok tree, except that grown in South and Central America, but shall not include any kapok which, on the effective date of this Order, has already been put into process for the manufacture of any article of which kapok is a component part.

(2) "Dealer" shall mean any person purchasing kapok for resale and the term shall include also importers, agents and brokers.

(3) "Manufacturer" shall mean any person producing any product of which kapok is a component part or into which it is physically incorporated.

(c) *Restrictions on sales and deliveries.* No dealer shall hereafter sell, transfer title to, or deliver, and no person shall hereafter purchase, accept transfers of title to, or deliveries of, any kapok, except upon the following categories of orders:

(1) Orders placed by Defense Supplies Corporation.

(2) Orders placed by manufacturers for delivery prior to March 31, 1942, of the minimum amounts necessary to enable them to continue until March 31, 1942 to produce the products herein-after listed in paragraph (d) of this order, taking into consideration their existing inventories, and to maintain not more than a practicable minimum working inventory of finished products: *Provided, however,* That each order placed by a manufacturer pursuant to the provisions of this subparagraph shall be accompanied by a certificate manually signed on behalf of such manu-

¹ 6 F.R. 6680.

facturer by a person authorized to sign for such manufacturer and in the following form:

This order is for an amount of kapok which, together with the undersigned manufacturer's existing inventory and other orders outstanding will not exceed the minimum amount necessary to enable the undersigned manufacturer to continue operations, to the extent permitted by paragraph (d) of General Conservation Order M-85—Kapok, until March 31, 1942, and maintain not more than a practicable minimum working inventory of finished products. This certificate shall be deemed to be a representation by the undersigned manufacturer to the War Production Board and to the above-named dealer that the facts stated above are true and correct.

(3) Orders specifically authorized hereunder by the Director of Industry Operations.

(d) *Restrictions on production.* Notwithstanding anything in Priorities Regulation No. 1 to the contrary, unless specifically authorized by the Director of Industry Operations, no manufacturer shall hereafter use any kapok in the production of any product, except those hereinafter listed:

(1) Life buoys to fill defense orders.
(2) Life preservers, life jackets and collars to fill defense orders.

(3) Sleeping bags, mattresses, pillows, blankets and pontoon bridges to fill orders placed by the War and Navy Departments but only to the extent that kapok is specifically required by the controlling specifications.

(4) Insulation padding for airplanes.
(5) Insulation for freight cars and trucks designed and ordered for the transportation of food for human consumption.

(6) Insulation for industrial refrigeration of food for human consumption.

(7) Stuffing for air tanks of boats, rafts, and life saving appliances in the minimum amounts necessary to comply with Subchapter O of Order No. 186² of the Bureau of Marine Inspection and Navigation, during the period that such Order shall require such use of kapok.

(e) *Restrictions on manufacturers' sales of kapok.* No manufacturer shall hereafter sell, transfer title to, or deliver any kapok to any person, except Defense Supplies Corporation, and no person, except Defense Supplies Corporation, shall hereafter purchase, accept any transfers of title to, or deliveries of, kapok from a manufacturer.

(f) *Assignment of Preference Rating.* A preference rating of A-2 is hereby assigned to all orders for kapok placed by Defense Supplies Corporation, and such rating may be applied by such Corporation by placing on its purchase orders the following endorsement, manually signed by a person authorized to sign for such Corporation:

Pursuant to General Conservation Order M-85, a preference rating of A-2 is assigned to this purchase order.

(g) *Appeal.* Any person affected by this Order, who considers that compliance therewith would work an excep-

tional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of kapok conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the War Production Board by letter or telegram, or upon such form as may hereafter be prescribed, Reference M-85, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(h) *Communications to the War Production Board.* All communications concerning this Order shall, unless otherwise directed, be addressed to:

War Production Board
Washington, D. C. Reference M-85.

(i) *Violations.* Any person who willfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(j) *Effective date.* This Order shall take effect immediately (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; Sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 4th day of February, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1071; Filed, February 5, 1942;
10:43 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1306—IRON AND STEEL

AMENDMENT NO. 2 TO PRICE SCHEDULE NO. 6¹—IRON AND STEEL PRODUCTS

Preamble and §§ 1306.1 to 1306.9 inclusive, are hereby renumbered and amended to read as follows:

Price Schedule No. 6 was issued on April 16, 1941, to stem a threatened general increase in steel prices. It successfully achieved its major purpose. Such inequities and hardships as were inevitably involved in an action of this nature have been alleviated in the course of administration. In June 1941 a revision of the Schedule was issued to incorporate certain suggestions received from a cross-section of the industry. In the light of the experience of recent months, however, it is now thought desirable to reissue a revised Price Schedule No. 6 designed to eliminate certain ambigu-

ties and minor errors. This revision in no way effects the major provisions of the original Schedule. It continues to employ the multiple basing point, price leadership, and extras systems which are presently in effect in the industry. As before, this acceptance of these systems merely as a vehicle for determining price should not be regarded as approval thereof, nor should this reservation be regarded as indicating disapproval.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that—

§ 1306.1 *Maximum prices for iron or steel products.* On and after April 17, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, except as provided in § 1306.4 hereof, no producer shall sell, offer to sell, deliver or transfer any iron or steel product, and no person shall accept delivery of any such product at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1306.10: *Provided*, That with respect to any sale of any such product for future delivery, a contract may provide for the payment of an adjusted price or for the payment of a price in effect at the time of shipment if such contract also expressly states that the price at time of shipment shall not exceed the maximum price established by the Office of Price Administration and in effect at time of shipment.

Provided further, That the provisions of this Schedule shall apply only to sales, offers to sell, deliveries, or transfers of iron or steel products moving within, into or out of one of the 48 states of the United States or the District of Columbia. The export provisions of this Schedule shall apply to any sale for delivery outside the 48 states or the District of Columbia.*

*§§ 1306.1 to 1306.14, inclusive, issued pursuant to authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1306.2 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1306.10) may be charged, demanded, paid or offered.*

§ 1306.3 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of any iron or steel product, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or by tying agreement or other trade understanding. Without limiting the generality of the foregoing, the price limitations set forth in this Schedule shall not be evaded by improper classification of any iron or steel product; by improper application of extras; by elimination or reduction of any customary or general privilege as defined in § 1306.10 (1); by the charging of any premium for prompt or early delivery; by the splitting of orders into small quantities with design to increase prices; or by pricing on an f. o. b. mill basis or on the basis of any other than designated basing points, when either of these practices results in a higher than ceiling delivered price.*

² 6 F.R. 6099.

¹ 6 F.R. 2004, 3061.

§ 1306.4 *Existing contracts.* A price in excess of the maximums established herein shall not be charged, demanded, paid, or offered in the case of any contract entered into subsequent to April 16, 1941. Contracts entered into on or prior to April 16, 1941, which do not conform to the requirements of this Schedule, may be completed on the contract terms only with respect to shipments made prior to March 15, 1942.*

§ 1306.5 *Records and reports.* (a) Every producer of iron or steel products shall keep for inspection by the Office of Price Administration, for a period of not less than one year, copies of all invoices dated January 1, 1941, or later, relating to sales of such products, including sales to warehousemen, jobbers, brokers, and all other persons purchasing for resale. Every such invoice shall clearly indicate the price actually paid, together with all discounts or other credit terms.

(b) Every producer of iron or steel products shall file with the Office of Price Administration, Washington, D. C., on or before February 16, 1942, all charges, terms and discounts, including base prices published or quoted as of April 16, 1941, and extras which were (1) published and quoted and (2) actually and customarily charged as of April 16, 1941, insofar as such filing was not made prior to the effective date of this Amended Schedule. On and after February 16, 1942, except as provided in § 1306.10 (b) or as specifically authorized by the Office of Price Administration, no prices, extras, or other charges permitted by this Schedule may be charged which have not been filed with the Office of Price Administration.*

§ 1306.6 *Enforcement.* In the event of refusal or failure to abide by the terms and provisions of this Price Schedule, the Office of Price Administration will use its full powers of enforcement to compel remedial action and future compliance by any such violator. These powers may include steps in an appropriate court of law, such administrative remedies as may be proper, as well as the informing of the Congress and the public, and the enlisting of the cooperation of the various state or federal governmental agencies, including the procurement services of the Government. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or of manipulation of the price of iron or steel products, are urged to communicate with the Office of Price Administration.*

§ 1306.7 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom. In considering any such application the Office of Price Administration may require the submission in affidavit form of any further data which it may consider relevant, and it shall upon request have access to the records and books of the applicant. In connection with any such application for relief, a sworn affirmation of compliance with this and all other

Price Schedules issued by the Office of Price Administration must be submitted or the absence thereof clearly explained.*

§ 1306.8 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, trust, corporation or other business entity, including executors or administrators, trustees in bankruptcy, receivers, or other court-appointed officials;

(b) "Producer" or "producer of iron or steel products" means any person who manufactures or produces any of the iron or steel products as defined in paragraph (c) herein;

(c) "Iron or steel products" means and includes all iron or steel ingots, all semi-finished iron or steel products, all finished hot-rolled or cold-rolled iron or steel products, and any iron or steel product which is further finished by galvanizing, plating, coating, drawing, extruding, etc. Without limiting the generality of the foregoing, the term shall include all products listed in Appendix B (§ 1306.11) of this Schedule. The term shall also include all seconds and off-grade iron or steel products: *Provided*, That the term shall not include pig iron.*

(d) "Governing basing point" means that established basing point the use of which results in the lowest delivered price at the place of delivery.

(e) "Emergency basing point" means the established basing point at or nearest the place of production or of origin of shipment.

(f) "Usual market area" of any mill with respect to a shipment of any product means that area into which the particular iron or steel product had, in the course of the two years prior to April 16, 1941, been customarily shipped by such mill in quantities comparable to the shipment being made.

(g) "Basing point base prices" means:

(1) The prices announced prior to December 31, 1940, or customarily quoted by Carnegie-Illinois Steel Corporation, American Steel & Wire Co., Tennessee Coal, Iron & Railroad Co., National Tube Co., and Columbia Steel Co., as base prices effective during the first quarter of 1941, or in effect on April 16, 1941, and applicable at designated basing points for iron or steel products; or

(2) In the case of an individual producer, the prices announced or customarily quoted by such producer during the first quarter of 1941, or in effect on April 16, 1941, as base prices applicable at designated basing points for iron or steel products: *Provided*, That the base prices under this subparagraph (2) shall not be in excess of the base prices under subparagraph (1), for the purpose of this definition, except to the extent which actually prevailed in the case of such producer, during the entire third quarter of the year 1940; or

(3) Where there are delivered prices applicable at a particular place, including Detroit, eastern Michigan, and the Gulf and Pacific Coast basing points listed in Appendix C (§ 1306.12), and such

prices are less than the basing point base prices at the nearest governing basing point plus transportation charges, such prices for the purpose of this Schedule shall be deemed basing point base prices applicable for delivery at such place: (i) *Provided*, That such prices, except in the case of the Gulf and Pacific Coast ports, are not to be used to arrive at delivered prices to other destinations; (ii) *Provided further*, That when delivery is made in any part by water transportation, to these maximum delivered prices may be added any excess in the charges for war risk marine insurance above the charges prevailing prior to January 8, 1942; (iii) *Provided further*, That this paragraph need not apply (a) in the case of a shipment to or based upon Gulf or Pacific Coast points, if the customary means of transportation are not used, or (b) if the shipment is outside the usual market area, as defined in § 1306.8 (f), in which cases the shipment may be priced in accordance with paragraph (b) of Appendix A (§ 1306.10).

(h) (1) "Extras" means when used with reference to domestic sales (i) the published or quoted extras of the subsidiaries of the U. S. Steel Corporation as of April 16, 1941, or (ii) the published or quoted extras of the individual producer, as of April 16, 1941, being additions to or deductions from the base price to make adjustment for variations in the product sold from the product governed by the base price, which variations might be in size or other physical specifications, chemical analysis, processing or other quality or treatment or in the quantity of the product: *Provided*, That (except as permitted under § 1306.10 (h)) where any extra may have been so published or quoted but had not been charged, in whole or in part, by a producer for a specific application to a particular group or groups of buyers on April 16, 1941, or during the two years prior thereto, before such published extra may be charged or invoiced by such producer after March 15, 1942, to such particular group or groups of buyers such producer must apply for approval to and receive approval from the Office of Price Administration for the charging of such extra for such application to such particular group or groups of buyers.

Any extra approved by the Office of Price Administration under this section may after publication thereof be charged by all producers covered by this schedule. Without limiting the generality of this proviso, approval may be denied for the charging of any such extra, even if published as of April 16, 1941, to the extent that such extra during the two years prior to April 16, 1941, had been generally ignored in pricing steel for a particular group or groups of buyers so that the failure to charge such extra constituted a customary trade practice in respect to such buyers.

(2) "Extras" when used with reference to export sales means (i) the export extras published or quoted by the United States Steel Export Company, by the Steel Export Association, or by the individual producer, as of April 16, 1941; or

* See Price Schedule No. 10.

(ii) where extras provided under (i) are not applicable, domestic extras as defined in paragraph (h) (1) above.*

§ 1306.9 *Effective date of the Schedule.* This Schedule shall become effective April 17, 1941.*

This amendment No. 2 (§§ 1306.1 to 1306.14 inclusive) shall become effective February 4, 1942.

Issued this 4th day of February 1942.

LEON HENDERSON,
Administrator.

§ 1306.10 *Appendix A; domestic and export ceiling prices for sales by producers of iron and steel products.* (a) The domestic ceiling delivered price for any iron or steel product for which there are basing point base prices shall be the aggregate of:

(1) The basing point base price at the governing basing point;

(2) Applicable extras, as defined in and subject to the provisions of § 1306.8 (h) (i): *Provided*, That in no case shall an extra or extras be charged for any processing, testing, chemical specification, special quality, quantity, etc., unless these services are actually performed and are necessary in order to furnish an iron or steel product of a type and quality required to fabricate successfully the article in question or to meet the specifications of the purchaser.

(3) Transportation charges in effect at the time of shipment from the governing basing point to the place of delivery as customarily computed.

(b) Notwithstanding the provisions of paragraph (a), if in any case in which by reason of unusual circumstances arising directly from the emergency demands of the war program, a shipment of any product is made to a place which is not within the usual market area of the mill from which shipment is made, the emergency basing point may be used and transportation charges may be calculated from the emergency basing point to the place of delivery. Such transportation charges shall in no case exceed the actual cost of transportation on the shipment. All persons selling iron or steel products under this paragraph (b) shall maintain complete and readily available records of all such sales and shall report such sales to the Office of Price Administration as the Office of Price Administration may from time to time require.

(c) The export ceiling price for any iron or steel product for which there are basing point base prices shall be the aggregate of: (1) the basing point base price at the governing basing point or at the emergency basing point; (2) applicable export extras; (3) export transportation charges in effect at the time of shipment from the governing or emergency basing point to the place of delivery, as customarily computed: *Provided*, That the export price at a particular seaboard point may be the aggregate of (i) the export base price of United States Steel Export Company F. A. S. seaboard at such point in effect on April 16, 1941, (whether sales are F. A. S. or F. O. B. mill with freight prepaid to seaboard) (ii) applicable export extras. In the case

of C. I. F. sales adjustments for additional transportation and insurance charges may be made. (Such F. A. S. prices for principal products at principal ports are listed in § 1306.13 Appendix D).

(d) The ceiling delivered price for any iron or steel product for which there are basing point base prices when such products are purchased for account of the Lend-Lease Administration, shall be the aggregate of (1) the domestic basing point base price at the governing basing point, or at the emergency basing point; (2) applicable domestic or export extras; and (3) export transportation charges in effect at the time of shipment from the governing or emergency basing point to the place of delivery, as customarily computed.

(e) For all iron or steel products, such as specialty products, for which there are no basing point base prices and extras or United States Steel Export Company F. A. S. seaboard prices, the ceiling prices shall be the prices and extras which were or would have been charged by the seller on April 16, 1941 (upon the basis of the prices, discounts, charges, or extras then listed or quoted by the seller) for such iron or steel products.

(f) The maximum delivered price for all seconds or off-grade iron or steel products shall not exceed the maximum delivered price for comparable iron or steel products of prime quality.

(g) The maximum base price for carbon steel ingots, rerolling quality, standard analysis, shall be \$31.00 per gross ton, f. o. b. mill.

(h) In any case in which the maximum prices set forth in this Schedule are not applicable to a new product or a substantial variation in a product or a new process, the producer shall file with the Office of Price Administration his prices or charges for such product or process, and the Office of Price Administration reserves the right to disapprove the charging of such prices or charges.

(i) All customary or general privileges in effect as of April 16, 1941, including, without limiting the generality of the foregoing, delivery and other services of all kinds, credit or other terms of payment, functional discounts and allowances such as those customarily made to jobbers, dealers or other distributors and discounts and allowances customarily made to specific classes of purchasers such as manufacturers of roofing materials, chain link fencing, culverts, etc., shall be continued without diminution or extra charge: *Provided*, That this paragraph shall not apply to any reductions in published or quoted base prices arising from specific competitive situations.

§ 1306.11 *Appendix B; products included in the definition of iron or steel products.* § 1306.9 (c). The following iron and steel products and their alloys (including stainless) are "Iron or steel Products" as defined in § 1306.9 (c). This list does not limit the generality of the definition of iron and steel products contained in § 1306.9 (c).

Ingots
Blooms
Billets
Slabs
Sheet Bars

Skelp
Tube rounds
Muck bar
Forging rounds
Bars and small shapes, new billet and rail steel—all types and grades including:
Merchant
Cold finished—carbon
Concrete reinforcing
Alloy-hot rolled
cold finished
Hoops and baling bands
Tool steel bars—rolled and forged
Plates—all types
Armor plate—forged, rolled and otherwise
Shapes including bearing piles
Sheet piling and accessories
Rails—all types
Track materials including:
Tie plates
Tie rods
Track spikes
Splice bars (joint bars, angle bars, rail joints, and fish plates)
Ties
Axles, car wheels, or any combination-rolled or forged
Pipe and tube—plain, threaded and coupled—all types and grades, including:
Conduit
Spiral welded
Mechanical tubing
Boiler, pressure, and heat exchanger tubing
Black Plate
Tin plate—all types
Sheets and strip, all types, including plain and corrugated; and roofing and siding of all types; including:
Hot rolled
Cold rolled
Galvanized
Ternes
Enameling
Electrical
All other
Wire and wire rods—all types and grades
Merchant wire products, including:
Nails, staples, and brads
Merchant quality wire
Wire fencing, including woven, chain link and lawn
Bale ties and buckle wire
Posts—all types and accessories
Poultry and animal farm netting
Twisted barless and barbed wire
Wire clothes line
Wire rope, wire strand, and special cords such as aircraft
Woven wire cloth—insect, hardware, and all other
Wire belting
Wire hoops
Communications and power transmission wire
Welded or woven wire fabrics for reinforcing

§ 1306.12 *Appendix C; principal established basing points for selected products covered by Price Schedule No. 6.*
Axles—Rolled or Forged:

Birmingham
Chicago
Pittsburgh

Bale Ties:

Birmingham
Chicago
Cleveland
Duluth
Pittsburgh
Pacific Coast Ports

Bars—Alloy Steel, Hot Rolled:

Bethlehem
Buffalo
Canton
Chicago
Massillon
Pittsburgh

Bars—Alloy Steel, Cold Finished:

Buffalo
Chicago
Cleveland
Gary
Pittsburgh

Bars and Small Shapes—Carbon Steel and Rail Steel, Hot Rolled:

Birmingham
Buffalo
Chicago
Cleveland
Duluth (Carbon Steel only)
Gary
Pittsburgh
Gulf Ports
Pacific Coast Ports

Bars—Carbon Steel, Cold Finished:

Buffalo
Cleveland
Chicago
Detroit
Gary
Pittsburgh

Bars—Concrete Reinforcing, New Billet and Rail Steel:

Birmingham
Buffalo
Chicago
Cleveland
Gary
Pittsburgh

Sparrows Point, Md. (New Billet only)

Youngstown

Gulf Ports:

Beaumont, Texas
Galveston, Texas
Houston, Texas
Orange, Texas
Port Arthur, Texas

Pacific Coast Ports

Bars, Billets, Blooms, Muck Bar—Iron:

Berwick, Pa.
Burnham, Pa.
Chicago
Coatesville, Pa.
Columbia, Pa.
Creighton, Pa.
Cuyahoga Falls, Ohio
Dover, N. J.
Jersey City, N. J.
Lebanon, Pa.
Louisville, Ky.
Pittsburgh
Richmond, Va.
Terre Haute, Ind.

Bars and Billets—Tool Steel:

Bethlehem

Bars and Billets—Tool Steel—Con.

Pittsburgh
Syracuse, N. Y.

Blooms, Billets and Slabs—Alloy Steel:

Bethlehem
Buffalo
Canton
Chicago
Massillon, Ohio
Pittsburgh

Blooms, Billets and Slabs—Carbon Steel, Forging and Rerolling:

Birmingham
Buffalo
Chicago
Cleveland
Duluth (Billets only)
Gary
Pittsburgh
Sparrows Point, Md. (Rerolling quality)
Youngstown

Fence Posts:

Birmingham (Angle line posts only)
Chicago
Cleveland
Pittsburgh
Pacific Coast Ports

Pipe—Wrought Iron:

Pittsburgh

Pipe—Steel:

Gary
Lorain
Pittsburgh

Ingots—(Forging):

Pittsburgh

Ingots—(Alloy):

Pittsburgh
Bethlehem
Buffalo
Canton
Chicago
Coatesville
Massillon

Plates—Carbon:

Birmingham (up to incl. 106" wide)
Chicago
Claymont, Del.
Cleveland, Ohio
Coatesville, Pa.

Gary
Pittsburgh
Sparrows Point, Md.
Youngstown
Gulf Ports
Pacific Coast Ports

Plates—Alloy:

Chicago
Coatesville
Pittsburgh
Gulf Ports
Pacific Coast Ports

Plates—Floor:

Pittsburgh
Chicago
Gulf Ports
Pacific Coast Ports

Girder Rails and Splice Bars Therefor:

Lorain, Ohio
Steelton, Pa.

Light Rails—(60 lb. or less per yd.):

Birmingham
Chicago
Pittsburgh

Rails and Splice Bars for Rails (over 60 lb. per yd.):

Gulf Ports:

New Orleans
Mobile, Ala.
Galveston, Tex.
Houston, Tex.

Pacific Coast Ports:

Oakland, Cal.
San Francisco
San Pedro, Cal.
Portland, Ore.
Seattle, Wash.

On sales to Railroad Cos. 200 g. t. or more for rails, and any quantity for splice bars.

Railroad Tie Plates—for Standard Tee Rails:

Birmingham
Buffalo
Chicago
Kansas City, Mo.
Minnequa, Colo.
Pittsburgh
Portsmouth
St. Louis
Steelton, Pa.
Weirton, W. Va.

Pacific Coast Ports

Railroad Track Spikes:

Birmingham
Chicago
Kansas City, Mo.
Lebanon, Pa.
Minnequa, Colo.
Pittsburgh
Portsmouth, Ohio
Richmond, Va.
St. Louis
Weirton
Youngstown

Pacific Coast Ports:

San Francisco
San Pedro, Calif.
Portland, Ore.
Seattle, Wash.

Sheet Bars:

Buffalo
Canton
Chicago
Cleveland
Pittsburgh
Sparrows Point, Md.
Youngstown

Sheets—Cold Rolled:

Buffalo
Chicago
Cleveland
Gary
Granite City, Ill.
Middletown, Ohio
Pittsburgh
Youngstown
Pacific Coast Ports

Sheets—Enameling:

Pittsburgh
Chicago
Cleveland
Gary
Granite City
Middletown
Youngstown
Pacific Coast Ports

Sheets—Electrical:

Pittsburgh
Granite City
Pacific Coast Ports

Sheets—Galvanized:
 Birmingham
 Buffalo
 Chicago
 Gary
 Granite City, Ill.
 Middletown, Ohio
 Pittsburgh, Pa.
 Sparrows Point, Md.
 Youngstown, Ohio
 Pacific Coast Ports

Sheets—Hot Rolled:
 Birmingham
 Buffalo
 Chicago
 Cleveland
 Gary
 Granite City, Ill.
 Middletown, Ohio
 Pittsburgh
 Sparrows Point, Md.
 Youngstown, Ohio
 Pacific Coast Ports

Sheets—Long Terne:
 Chicago
 Gary
 Pittsburgh
 Pacific Coast Ports

Skelp—Carbon Steel
 Chicago
 Coatesville
 Pittsburgh, Pa.
 Sparrows Point, Md.
 Youngstown

Skelp—Charcoal Iron:
 Coatesville, Pa.

Steel Sheet Piling & Accessories:
 Buffalo
 Chicago
 Pittsburgh
 Pacific Coast Ports

Strip Steel—Cold Rolled:
 Chicago
 Cleveland
 Pittsburgh
 Worcester, Mass.
 Youngstown

Splice Bars for Light Rails:
 Pittsburgh

Strip Steel—Commodity:
 Pittsburgh
 Cleveland
 Youngstown
 Worcester

Strip Steel—Alloy:
 Pittsburgh
 Bethlehem
 Buffalo
 Canton
 Chicago
 Massillon

Strip Steel—Hot Rolled:
 Birmingham
 Chicago
 Cleveland
 Gary
 Middletown, Ohio
 Pittsburgh
 Youngstown
 Pacific Coast Ports

Structural Shapes:
 Bethlehem
 Birmingham—Standard Shapes Only
 Buffalo

Structural Shapes—Continued.
 Chicago (except ship sections not rolled)
 Gary (except ship sections not rolled)
 Pittsburgh
 Gulf Ports
 Pacific Coast Ports

Tin Mill Black Plate:
 Chicago
 Gary

Granite City, Ill.
 Pittsburgh
 Pacific Coast Ports

Tin Plate and Terne Plate:
 Chicago
 Gary

Granite City, Ill.
 Pittsburgh

Tubing—Mechanical:
 Canton
 Detroit
 Milwaukee
 Shelby
 Pittsburgh

Tubing—Pressure:
 Pittsburgh

Twisted Barbless & Barbed Wire:
 Birmingham
 Chicago
 Cleveland
 Duluth
 Pittsburgh
 Pacific Coast Ports

Tube Rounds:
 Chicago
 Cleveland
 Pittsburgh

Wire Rods:
 Birmingham
 Chicago
 Cleveland
 Pittsburgh
 Worcester, Mass.
 Gulf Ports:
 Galveston, Tex.
 Pacific Coast Ports:
 Los Angeles
 San Francisco
 Portland, Ore.
 Seattle, Wash.

Wire—Drawn (Includes Manufacturer's and Merchant Quality):
 Birmingham
 Chicago
 Cleveland
 Glassport, Pa. (Hot copper covered steel only)
 Duluth
 Pittsburgh

Wire—Drawn—Continued.

Worcester, Mass. (Manufacturer's wire only)

Pacific Coast Ports

Wire—Spring:

Chicago
 Cleveland
 Pittsburgh
 Worcester, Mass.
 Pacific Coast Ports

Wire—Telephone:

Cleveland
 Muncie, Ind.
 Pittsburgh
 Sparrows Point, Md.
 Trenton, N. J.
 Waukegan, Ill.
 Worcester, Mass.

Wire Fencing (except chain link):

Birmingham
 Chicago
 Cleveland
 Duluth
 Pittsburgh
 Pacific Coast Ports

Wire Hoops:

Chicago
 Pittsburgh

Wire Nails and Staples:

Birmingham
 Chicago
 Cleveland
 Duluth
 Pittsburgh
 Pacific Coast Ports

Pacific Coast Ports, except where otherwise enumerated are as follows:

Bellingham, Wash.
 Everett, Wash.
 Long Beach, Calif.
 Los Angeles, Calif.
 Oakland, Calif.
 Portland, Ore.
 Sacramento, Calif.
 San Diego, Calif.
 San Francisco, Calif.
 San Pedro, Calif.
 Seattle, Wash.
 Stockton, Calif.
 Tacoma, Wash.
 Wilmington, Calif.

Gulf Ports, except where otherwise enumerated are as follows:

Beaumont, Texas
 Galveston, Texas
 Houston, Texas
 New Orleans, La.
 Orange, Texas
 Port Arthur, Texas*

§ 1306.13 Appendix D, export base prices of United States Export Company for principal products, F. A. S. principal ports, in effect on April 16, 1941

PER GROSS TON

	Boston, New York, Philadelphia, Baltimore, Norfolk	Charleston, Savannah, New Orleans, Mobile	Galveston, Houston	San Francisco, Seattle, Portland, Los Angeles (San Pedro)
Ingots.....	\$37.00	\$37.00	\$39.49	\$46.60
Blooms—billets and slabs, sheet bars.....	42.00	42.00	44.49	51.60
Forging billets.....	48.00	48.00	50.49	57.60
Wire rods in coils.....	52.00	52.00	54.49	61.60
Light rails (60 pounds and under).....	52.50	52.50	58.01	62.21
Heavy rails (over 60 pounds).....	54.15	54.15	59.66	63.86
Girder rails.....	55.00	58.55	60.25	64.27

§ 1306.13 Appendix D, export base prices of United States Export Company for principal products, F. A. S. principal ports, in effect on April 16, 1941—Continued

PER 100 POUNDS

	Boston, New York, Philadelphia, Baltimore, Norfolk	Charleston, Savannah, New Orleans, Mobile	Galveston, Houston	San Francisco, Seattle, Portland, Los Angeles (San Pedro)
Angle splice bars for heavy rails	\$3.32	\$3.32	\$3.62 1/2	\$3.92
Tie plates	2.92	2.92	3.04 1/2	3.32
Track spikes	3.25	3.25	3.37 1/2	3.65
Axles	3.33	3.33	3.60	3.78
Shelp	2.20	2.40	2.48	2.60
Piling	2.80	2.80	2.88	3.00
Plates (carbon steel)	2.45	2.45	2.57 1/2	2.85
Structural shapes (standard)	2.45	2.45	2.57 1/2	2.85
Merchant bars and bar mill shapes	2.45	2.45	2.57 1/2	2.85
Concrete bars (new billet)	2.45	2.45	2.57 1/2	2.85
Cold finished carbon steel bars	2.88	2.88	3.16	3.28
Cold finished alloy bars	2.70 1/2	2.70 1/2	3.04	3.14
Hot rolled carbon tool steel bars (Tennessee special)	3.56	3.56	3.60	3.70
Black annealed wire	3.10	3.10	3.38	3.50
Galvanized plain wire	3.60	3.60	3.88	4.00
Galvanized barbed wire	3.65	3.65	3.93 1/2	4.07 1/2
Bright nail wire	2.80	2.80	3.08	3.20
Wire nails	2.85	2.85	2.98 1/2	3.24
Galvanized staples (including \$1.17 extra for galvanized)	3.90	4.12	4.21	4.34
Bright staples (including 72 cents extra for bright)	3.50	3.72	3.81	3.94

PER BASE BOX

Tin plate 14" x 20" 107 pounds—112 sheets, wooden boxes—wire strapped	\$5.35	\$5.40	\$5.80
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§ 1306.14 Appendix E: exceptions to Price Schedule No. 6. The following persons have been granted an exception under the terms of Price Schedule No. 6, which exception has been defined and limited in certain letters. All action taken in reliance upon the terms of any exception shall be at the risk of the person acting until and unless official notification has been received by such persons pursuant to such application. Persons interested may secure the terms of such exception on application to the Office of Price Administration.

Name	Brief description of relief granted	Date granted
W. Ames & Company, Jersey City, N. J.	A. Plain carbon steel bars (merchant and reinforcing): 10 tons or over—\$2.85 cwt. f. o. b. mill. B. Bar size structural grade steel angles: 10 tons or over—\$3.10 cwt. f. o. b. mill. C. Railroad spikes: 200 kegs or more—40 domestic railroad companies—\$3.25 cwt. f. o. b. mill or warehouse. 200 kegs or more—to other consumers—\$3.45 cwt. f. o. b. mill or warehouse. Appropriate extras for lesser quantities.	July 8, 1941
Andrews Steel Company, Newport, Ky.	A. Carbon forging billets—\$50.00 gross ton at established basing points. B. Carbon steel slabs—\$41.00 per gross ton at established basing points. C. Galvanized sheets—\$3.75 cwt., at established basing points. D. Hot rolled sheets—shipments into Detroit and Detroit area may be based on Middletown, Ohio (nearest basing point).	July 28, 1941
Central Iron and Steel Company, Harrisburg, Pa. Edgemoor Steel Corporation, Syracuse, N. Y.	A. Carbon steel plates—\$2.35 cwt., at established basing points, retroactive to April 17, 1941. A. Rail steel merchant bars—\$2.50 cwt., at established basing points.	July 22, 1941 Sept. 17, 1941

Name	Brief description of relief granted	Date granted
Empire Sheet and Tin Plate Co., Mansfield, Ohio, Mfg. Co., Cincinnati, Ohio, Mfg. Co., Georgetown, Conn.	A. Carbon steel ingots—\$3.00 per gross ton, f. o. b. mill. B. Carbon steel sheet bars—\$3.00 per gross ton, f. o. b. mill. C. Screen wire cloth, black painted, and electro-galvanized: To Jobbers' stocks C/L list less 58.00% To Jobbers' stocks L/C list less 56.75% To Jobbers' customers list less 55.50% B. Poultry netting, light grades: Galvanized before weaving: To Jobbers' stocks C/L list less 41% To Jobbers' stocks L/C list less 40% To Jobbers' customers list less 40% C. Heavy square mesh cloth: Quantities to 100 lineal feet, list less 10% 200 or more lineal feet, list less 20% D. Standard galvanized hardware cloth, per 100 square feet—\$3.20. A. Ship plates—\$2.25 cwt. f. o. b. mill.	Jan. 9, 1942
Granite City Steel Company, Granite City, Ill.	A. Carbon steel shapes—\$3.20 cwt., at established basing points. B. Merchant bars—\$2.35 cwt., at established basing points. (both retroactive to April 17, 1941.)	June 5, 1941
Phoenix Iron Co., Phoenixville, Pa.	A. Rail steel concrete reinforcing and merchant bars—\$2.33 cwt. f. o. b. mill.	May 1, 1941
Sweet's Steel Co., Williamsport, Pa.	B. Rails (rail steel)—\$30.00 per gross ton f. o. b. mill. (both retroactive to April 17, 1941.)	Aug. 20, 1941
Wheeling Steel Corp., Wheeling, W. Va.	A. 2" square base grade rolling billets, standard lengths, 21,000 tons allocated under Lend-Lease program during first quarter of 1942—\$37.00 per gross ton, f. o. b. Portsmouth, Ohio.	Feb. 2, 1942

[F. R. Doc. 42-1068; Filed, February 4, 1942; 3:35 p. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS

PRICE SCHEDULE NO. 97—SOUTHERN HARDWOOD LUMBER

Southern hardwood lumber is an industrial wood extensively used in the manufacture of furniture, automobile trucks, containers, radio cabinets, agricultural implements, and farm and household utensils. The war effort and the accompanying expanded economic activity have increased the demand for certain species and grades of southern hardwood lumber beyond the readily available supply. As a consequence, inflationary pressure has caused and continues to cause price increases which outstrip advances in costs, and which will serve no purpose in bringing out appreciably increased production. Attempts by individual producers to maintain reasonable prices have proved unsatisfactory because demand is accelerating, and because many operators have refused to cooperate with the Government in stabilizing prices. Under these circumstances, voluntary cooperation

with the request of the Office of Price Administration to maintain reasonable prices would subject those complying with the request to unjust discrimination.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1312.301 Maximum prices for southern hardwood lumber. On and after February 20, 1942, regardless of the terms of any contract of sale or purchase or other commitment, no person shall sell, offer to sell, deliver, or transfer, for domestic use or export use, any southern hardwood lumber, where shipment originates at the mill rather than at a distribution yard, at prices higher than the maximum prices set forth in Appendices A and B, incorporated herein as §§ 1312.309 and 1312.310, respectively: *Provided*, That a shipment pursuant to an order of less than 1,000 feet of southern hardwood lumber shall not be subject to this Schedule: *And provided*, That this Schedule shall not apply where actual delivery has been made to a purchaser, or to a carrier for delivery

to a purchaser, prior to February 20, 1942.*

§§ 1312.301 to 1312.310, inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1312.302 *Less than maximum prices.* Lower prices than those set forth in Appendices A and B may be charged, demanded, paid or offered.*

§ 1312.303 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of southern hardwood lumber, alone or in conjunction with any other material; or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege; or by tying-agreement, or other trade understanding; or by making terms or conditions of sale more onerous than those in effect or available to the purchaser on October 1, 1941; or by unnecessarily routing lumber through a distribution yard; or by unreasonably refusing to ship except in mixed cars or trucks, or under other circumstances entitling the seller to a premium; or by charges for delivery which exceed the actual cost to the seller of such delivery (except as provided in §§ 1312.309 (e) and 1312.310 (d)); or by falsely or wrongly grading or invoicing lumber; or by grading as a special grade lumber which can be graded as a standard grade; or by any other means.*

§ 1312.304 *Records and reports.* Every person who, during any calendar month after February 1942, shall sell 34,000 pounds or more of southern hardwood lumber for shipment originating at the mill shall keep for inspection by the Office of Price Administration, for a period of not less than one year, a complete and accurate record of every such sale made during such month, showing the date thereof, the name and address of the buyer, the prices, and the quantities and grades sold.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1312.305 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement and other services

of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of southern hardwood lumber, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1312.306 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with this Schedule.*

§ 1312.307 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity. The term includes, without restricting the generality of the foregoing, any mill operator, manufacturer, commission salesman, manufacturer's representative, concentration yard operator, wholesaler, distributor, wholesaler's agent, or retailer.

(b) "Feet" means board feet of lumber, except that with reference to lumber in thicknesses of $\frac{3}{4}$ " and $\frac{5}{8}$ " the term "feet" means surface feet.

(c) "Southern hardwood lumber" means lumber (1) produced from the botanical species of sap sweet gum and red sweet gum (*Liquidambar styraciflua*), tupelo (*Nyssa aquatica*), black gum (*Nyssa sylvatica*), yellow poplar (*Liriodendron tulipifera*), beech (*Fagus americana*), sycamore (*Platanus occidentalis*), soft maple (*Acer rubrum*); and the botanical species included in the genera of red oak and white oak (*Quercus*), magnolia (*Magnolia*), elm (*Ulmus*), cottonwood (*Populus*), willow (*Salix*), hackberry (*Celtis*), hickory (*Hicoria*), basswood (*Tilia*), and ash (*Fraxinus*), and (2) processed into lumber at mills located in Alabama, Arkansas, Florida, Louisiana, Mississippi and Texas, and those portions of North Carolina, South Carolina, Virginia, Georgia, Kentucky and Tennessee not included in the "Appalachian hardwoods area". The "Appalachian hardwoods area" is that area circumscribed by a line beginning at the intersection of the western line of the State of West Virginia and the western line of the State of Pennsylvania; thence southwesterly on the western line of West Virginia to the western boundary of Boyd County, Kentucky; thence extending southwesterly through Kentucky along the generally northwestern boundaries of the following counties: Boyd, Carter, Rowan, Menifee, Powell, Estill, Jackson, Rockcastle, Pulaski, Wayne, and Clinton to the Tennessee state line; thence westerly along said state line to the western boundary of Pickett County, Tennessee; thence southerly in Tennessee along the western boundaries of Pickett, Fentress, Morgan, Roane, Rhea, and Hamilton

Counties to the intersection of the western boundary of Hamilton County and the Nashville, Chattanooga, and St. Louis Railroad; thence easterly along said railroad through Chattanooga to the intersection of said railroad and the Georgia state line; thence easterly along said state line to the western boundary of Fannin County, Georgia; thence southwesterly in Georgia along the southwestern boundaries of Fannin County and Lumpkin County; thence generally easterly in Georgia along the southeastern boundary of Lumpkin County, the southern boundary of White County, and the southern and eastern boundaries of Habersham County to the South Carolina state line; thence southeasterly along said line to the southeastern boundary of Oconee County, South Carolina; thence in a generally northeasterly direction through South Carolina along the southeastern boundaries of Oconee and Pickens Counties, and the western, southern, and eastern boundaries of Greenville County to the North Carolina state line; thence easterly along the southern line of North Carolina to the eastern boundary of Cleveland County, North Carolina; thence northerly in North Carolina along the eastern boundaries of Cleveland and Burke Counties; thence continuing generally northeasterly in North Carolina along the eastern or southern boundaries of Alexander, Wilkes and Surry Counties to the Virginia state line; thence east on said state line to the eastern boundary of Patrick County, Virginia; thence northeasterly through Virginia, following the eastern boundary of Patrick County and the southwestern boundary of Fauquier County, Bedford, Amherst, Nelson, Albemarle, Greene, Madison, and Rappahannock Counties, turning southerly along the southeastern boundary of Fauquier County, and resuming a generally northerly direction along the eastern boundaries of Fauquier and Loudoun Counties to the Maryland state line; thence northwesterly along said state line to the eastern boundary of Frederick County, Maryland; thence northerly through Maryland along the eastern boundary of Frederick County to the Pennsylvania state line; thence westerly and thence northerly along said state line to the starting point. All sawmills on the boundary line of the Appalachian hardwoods area shall be deemed to be in the southern hardwoods area, except that mills in West Virginia and Maryland on the lines touching Pennsylvania and Ohio shall be deemed to be in the Appalachian area.

(d) "Tough white ash" means the botanical species *Fraxinus americana*.

(e) "Mill" means a manufacturing plant, concentration yard, or other establishment which processes, by sawing, or by planing or other comparable method, at least 25 per cent of the volume of southern hardwood logs or lumber purchased or received by it.

(f) "Distribution yard" means a wholesale or retail lumber yard which purchases or receives southern hardwood lumber from a producer, a mill, or another distribution yard for purposes of

unloading, sorting, and resale or redistribution, which regularly maintains a stock of lumber, and which processes, by sawing, or by planing or other comparable method, less than 25 per cent of the volume of such lumber so purchased or received by it.

(g) "Volume" means the board feet volume of lumber processed from logs, processed from other lumber, or sold, as the case may be, within the six months immediately prior to the transaction subject to this Schedule.

(h) "Deliver" means to make physical transfer of lumber to a purchaser, or to a carrier, not owned or controlled by the seller, for carriage to a purchaser.*

§1312.308 *Effective date of the Schedule.* This Schedule (§§ 1312.301 to 1312.310, inclusive) shall become effective February 20, 1942.*

§1312.309 *Appendix A; maximum prices for southern hardwood lumber (other than tough white ash).* (a) The maximum f. o. b. mill prices per 1,000 feet of southern hardwood lumber (other than tough white ash), rough, air dried, shall be as follows:

(1) WHITE OAK—QUARTERED

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	Sound Wormy	No. 3A Common	No. 3B Common
5/8"	\$70.00	\$40.00	\$24.00	\$16.00		
3/4"	82.00	43.00	25.00	18.00		
1"	95.00	50.00	32.00	26.00	\$25.00	\$15.00
1 1/4"	105.00	60.00	33.00	32.00		
1 1/2"	107.00	60.00	33.00	34.00		
2"	125.00	70.00	35.00	38.00		
2 1/2"	130.00	80.00				
3"	145.00	85.00				

(2) WHITE OAK—PLAIN

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	Sound Wormy	No. 3A Common	No. 3B Common
5/8"	\$47.00	\$30.00	\$23.00	\$16.00		
3/4"	50.00	32.00	24.00	18.00		
1"	62.00	35.00	32.00	26.00	\$25.00	\$15.00
1 1/4"	95.00	47.00	32.00	34.00		
1 1/2"	100.00	50.00	32.00	34.00		
2"	120.00	55.00	32.00	38.00		
2 1/2"	130.00	75.00				
3"	140.00	80.00				

(3) RED OAK—QUARTERED

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	Sound Wormy	No. 3A Common	No. 3B Common
5/8"	\$50.00	\$36.00	\$23.00	\$16.00		
3/4"	50.00	37.00	24.00	18.00		
1"	60.00	42.00	32.00	26.00	\$25.00	\$15.00
1 1/4"	70.00	47.00	32.00	32.00		
1 1/2"	72.00	49.00	32.00	34.00		
2"	80.00	52.00	34.00	38.00		

(4) RED OAK—PLAIN

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	Sound Wormy	No. 3A Common	No. 3B Common
5/8"	\$40.00	\$30.00	\$23.00	\$16.00		
3/4"	43.00	32.00	24.00	18.00		
1"	52.00	37.00	32.00	26.00	\$25.00	\$15.00
1 1/4"	68.00	45.00	32.00	32.00		
1 1/2"	70.00	47.00	32.00	34.00		
2"	76.00	50.00	34.00	38.00		
2 1/2"	105.00	60.00				
3"	110.00	65.00				

(5) RED GUM—QUARTERED

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
1"	\$96.00	\$51.00	\$32.00	\$16.00
1 1/4"	100.00	60.00	33.00	17.00
1 1/2"	100.00	63.00	33.00	17.00
2"	103.00	65.00	37.00	18.00
2 1/2"	105.00	70.00		
3"	110.00	75.00		

(6) RED GUM—PLAIN

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
5/8"	\$65.00	\$38.00	\$21.00	
3/4"	75.00	42.00	25.00	
1"	92.00	47.00	32.00	\$16.00
1 1/4"	95.00	57.00	32.00	17.00
1 1/2"	95.00	58.00	32.00	17.00
2"	97.00	60.00	36.00	18.00

(7) SAP GUM—QUARTERED

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
1"	\$60.00	\$46.00	\$28.00	\$16.00
1 1/4"	65.00	53.00	29.00	17.00
1 1/2"	67.00	54.00	29.00	17.00
2"	70.00	55.00	33.00	18.00
2 1/2"	75.00	61.00	36.00	
3"	78.00	65.00	41.00	

(8) SAP GUM—PLAIN

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
5/8"	\$42.00	\$33.00	\$19.00	
3/4"	46.00	35.00	21.00	
1"	56.00	42.00	26.00	\$16.00
1 1/4"	60.00	47.00	27.00	17.00
1 1/2"	63.00	50.00	27.00	17.00
2"	68.00	52.00	30.00	18.00

(9) TUPELO—QUARTERED

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
1"	\$53.00	\$43.00	\$28.00	\$16.00
1 1/4"	55.00	45.00	29.00	17.00
1 1/2"	57.00	47.00	29.00	17.00
2"	62.00	52.00	31.00	18.00
2 1/2"	70.00	55.00	36.00	
3"	75.00	60.00	39.00	

(10) TUPELO—PLAIN

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
5/8"	\$40.00	\$30.00	\$17.00	
3/4"	41.00	31.00	19.00	
1"	50.00	40.00	26.00	\$16.00
1 1/4"	52.00	42.00	28.00	17.00
1 1/2"	55.00	45.00	28.00	17.00
2"	60.00	50.00	31.00	18.00

(11) BLACK GUM—QUARTERED

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
1"	\$53.00	\$43.00	\$28.00	\$16.00
1 1/4"	55.00	45.00	29.00	17.00
1 1/2"	57.00	47.00	29.00	17.00
2"	62.00	52.00	31.00	18.00
2 1/2"	70.00	55.00	36.00	
3"	75.00	60.00	39.00	

(12) BLACK GUM—PLAIN

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
5/8"	\$40.00	\$30.00	\$17.00	
3/4"	41.00	31.00	19.00	
1"	50.00	40.00	26.00	\$16.00
1 1/4"	52.00	42.00	28.00	17.00
1 1/2"	55.00	45.00	28.00	17.00
2"	60.00	50.00	31.00	18.00

(13) YELLOW POPLAR—QUARTERED

Thickness	F. A. S.	Saps and Selects	No. 1 Common and Selects; or No. 1 Common	No. 2A Common	No. 2B Common	No. 3 Common
1"	\$71.00	\$58.00	\$46.00	\$33.00	\$27.00	\$16.00
1 1/4"	76.00	64.00	49.00	36.00	28.00	17.00
1 1/2"	81.00	66.00	52.00	37.00	28.00	17.00
2"	91.00	69.00	56.00	39.00	31.00	18.00

(14) YELLOW POPLAR—PLAIN

Thickness	F. A. S.	Saps and Selects	No. 1 Common and Selects; or No. 1 Common	No. 2A Common	No. 2B Common	No. 3 Common
5/8"	\$51.00	\$46.00	\$31.00	\$19.00	\$16.00	
3/4"	58.00	49.00	35.00	26.00	17.00	
1"	66.00	53.00	43.00	33.00	27.00	\$16.00
1 1/4"	71.00	58.00	46.00	36.00	28.00	17.00
1 1/2"	76.00	61.00	49.00	37.00	28.00	17.00
2"	86.00	64.00	53.00	39.00	31.00	18.00

(15) SYCAMORE—QUARTERED

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
5/8"	\$48.00	\$38.00	\$28.00	
3/4"	48.00	38.00	28.00	
1"	53.00	43.00	33.00	\$16.00
1 1/4"	55.00	45.00	33.00	17.00
1 1/2"	56.00	46.00	33.00	17.00
2"	61.00	49.00	33.00	18.00

(16) SYCAMORE—PLAIN

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
5/8"	\$42.00	\$32.00	\$21.00	
3/4"	42.00	32.00	21.00	
1"	43.00	33.00	24.00	\$16.00
1 1/4"	44.00	34.00	26.00	17.00
1 1/2"	45.00	35.00	26.00	17.00
2"	47.00	37.00	26.00	18.00

(17) BEECH

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
5/8"	\$40.00	\$30.00	\$20.00	
3/4"	41.00	31.00	21.00	
1"	43.00	33.00	23.00	\$16.00
1 1/4"	48.00	38.00	24.00	17.00
1 1/2"	49.00	39.00	26.00	17.00
2"	53.00	43.00	26.00	18.00

(18) MAGNOLIA

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
1"	\$69.00	\$47.00	\$34.00	\$16.00
1 1/4"	73.00	50.00	38.00	17.00
1 1/2"	73.00	50.00	36.00	17.00
2"	76.00	51.00	37.00	18.00
2 1/2"	81.00	56.00	38.00	
3"	86.00	61.00	39.00	

(19) SOFT MAPLE

Thickness	WHND Log Run	WHAD			
		F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
1"		\$38.00	\$61.00	\$51.00	\$28.00
1 1/4"		42.00	63.00	53.00	30.00
1 1/2"		44.00	66.00	56.00	30.00
2"		47.00	69.00	59.00	33.00
2 1/2"		54.00	71.00	61.00	33.00
3"		58.00	76.00	66.00	34.00

(20) SOFT ELM

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
1"	\$43.00	\$33.00	\$26.00	\$16.00
1 1/4"	45.00	35.00	27.00	17.00
1 1/2"	45.00	35.00	28.00	17.00
2"	47.00	37.00	28.00	18.00
2 1/2"	48.00	38.00	28.00	18.00
3"	51.00	41.00	29.00	18.00

(21) BASSWOOD

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
1"	\$59.00	\$39.00	\$27.00	\$16.00

(22) COTTONWOOD

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
1"	\$44.00	\$38.00	\$29.00	\$16.00
1 1/4"	46.00	39.00	31.00	17.00
1 1/2"	46.00	39.00	31.00	17.00
2"	46.00	39.00	31.00	18.00

(23) HACKBERRY

Thickness	Log Run	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
5/8"	\$24.00				
3/4"	28.00				
1"	35.00	\$43.00	\$33.00	\$26.00	\$16.00
1 1/4"	36.00	45.00	35.00	27.00	17.00
1 1/2"	37.00	45.00	35.00	28.00	17.00
2"	38.00	47.00	37.00	28.00	18.00
2 1/4"		48.00	38.00	28.00	18.00
3"		51.00	41.00	29.00	18.00

(24) WILLOW

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
1"	\$55.00	\$41.00	\$28.00	\$16.00
1 1/4"	57.00	43.00	29.00	17.00
1 1/2"	61.00	46.00	29.00	17.00
2"	63.00	46.00	29.00	18.00

(25) HICKORY

Thickness	Log Run	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
1"	\$35.00	\$56.00	\$37.00	\$24.00	\$16.00
1 1/4"	37.00	58.00	39.00	25.00	17.00
1 1/2"	40.00	61.00	43.00	33.00	17.00
2"	43.00	66.00	44.00	33.00	18.00

(26) ASH

[Other than Tough White Ash]

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
1"	\$46.00	\$33.00	\$26.00	\$16.00
1 1/4"	48.00	35.00	27.00	17.00
1 1/2"	48.00	35.00	28.00	17.00
2"	50.00	37.00	28.00	18.00
2 1/4"	51.00	38.00	28.00	18.00
3"	54.00	41.00	29.00	18.00

(27) BOX BOARDS

Species	Thickness	Width
		13" to 17"
		9" to 12"
Sap Gum	1"	\$62.00
Cottonwood	1"	56.00

(28) STRIPS

Species	Manufacture	Thickness	Width	Grade
				Clear
				No. 1 Common
White Oak	Quartered	1"	2" to 5 1/2"	\$62.00
Red Oak	Quartered	1"	2" to 5 1/2"	45.00

(29) FIGURED WOOD

Species	Manufacture	Thickness	Grade
			F. A. S.
			No. 1 Common and Selects; or No. 1 Common
Red Gum	Quartered	1"	\$105.00
Red Gum	Plain	1"	95.00

(30) PANEL AND WIDE NO. 1

Species	Width	Price
Sap Gum	18" and wider	\$65.00
Cottonwood	18" and wider	73.00

(b) The following additions per 1,000 feet of southern hardwood lumber (other than tough white ash) may be charged for the specified treatments and workings:

(1) Kiln drying:

	5/8" thick	3/4" thick	4/4" thick	5/4" thick	6/4" thick	8/4" thick	10/4" thick	12/4" thick
Cottonwood								
Elm								
Hackberry								
Yellow Poplar								
Magnolia								
Ash								
Beech								
Black Gum								
Hickory								
Plain Oak								
Quartered Oak								

(2) Anti-stain treatment: 50¢.

(3) Millworking:

	4/4" and 5/4" thick	6/4" to 12/4" thick
Resawing 1 line	\$3.00	\$2.50
Resawing 2 lines	5.50	4.50
Surfacing 1 or 2 sides	2.50	2.25
Surfacing 2 sides and resawing	5.00	4.25
Resawing and surfacing 1 or 2 sides	5.50	4.75

(4) Inspecting, grading and measuring after kiln drying: 5 per cent of the f. o. b. mill price of the lumber.

(5) End-racking or band sawing: No addition.

(c) For mixed car or mixed truck shipments, \$2.00 additional per 1,000 feet of southern hardwood lumber (other than tough white ash) may be charged. A mixed car shipment consists of four or more items as hereinafter defined, provided at least four items amount to not less than 3,000 feet each, or at least six items amount to not less than 2,000 feet each. A mixed truck shipment consists of four or more items as hereinafter defined, provided at least four items amount to not less than 500 feet each, or at least six items amount to not less than 300 feet each. An item consists of one species, thickness, and grade of southern hardwood lumber.

(d) For all export sales an addition of not more than \$1.50 per 1,000 feet of southern hardwood lumber may be

charged if the seller performs the services of marking and bundling. For export sales on a c. i. f. or on a c. a. f. basis a separate addition of \$2.00 per 1,000 feet of southern hardwood lumber may be charged.

(e) A delivered price in excess of the maximum f. o. b. mill prices set forth in (a) hereof, may be charged, consisting of such maximum prices plus actual transportation costs paid by the seller. However, for the purposes of this section, the following two practices shall not be deemed a deviation from the use of actual transportation costs:

(1) the charging of a sum equivalent to the one-quarter of a dollar nearest to such actual transportation costs; and

(2) the computation of transportation costs on the basis of a system of estimated average weights established by the seller, and adhered to by him during the period October 1 to October 15, 1941: *Provided*, That a copy of such system of estimated average weights has been filed with the Office of Price Administration either before the use of such system in a transaction subject to this Schedule, or within thirty days of the effective date of this Schedule.*

§ 1312.310 Appendix B; maximum prices for tough white ash lumber. (a) The maximum prices per 1,000 feet of rough, air dried or "shipping-dry" tough white ash lumber f. o. b. concentrating point (which is the point at which such tough white ash lumber is collected, or produced, and prepared for shipment in

such grades, thicknesses, and quantities as specified by the consuming trade) shall be as follows:

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
1"	\$70.00	\$40.00	\$29.00	\$16.00
1 1/2"	75.00	45.00	30.00	17.00
1 3/4"	82.00	55.00	31.00	17.00
2"	90.00	65.00	32.00	18.00
2 1/2"	105.00	70.00	33.00	
3"	115.00	80.00	35.00	

The above maximum prices do not apply to green tough white ash lumber.

(b) An addition of 50¢ per 1,000 feet of rough, air dried or "shipping-dry" tough white ash lumber may be charged for anti-stain treatment.

(c) For export sales, additions may be charged in accordance with the terms of paragraph (d) of Appendix A.

(d) A delivered price in excess of the maximum f. o. b. concentrating point price set forth in (a) hereof may be charged in accordance with the terms of paragraph (e) of Appendix A.

Issued this 4th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1070; Filed February 4, 1942;
3:34 p. m.]

PART 1330—CONTAINERS

PRICE SCHEDULE NO. 96—DOMESTIC FUEL OIL STORAGE TANKS

Oil storage tanks are indispensable to domestic oil burner installations, many of which are used in defense housing projects. Jobbers' prices for a typical basement tank have more than doubled in some localities during the past year. These price increases far out-strip the increased production costs and the increased selling prices to jobbers which were reported by manufacturers to the Office of Price Administration. Reports of hoarding have been numerous, and the market has been upset by a growing scarcity caused by shortages of steel.

Present inflated storage tank prices make it impractical in many localities to equip new defense houses with low cost, automatic oil heat. Moreover, high tank prices have not resulted in expanded production, because of preference orders affecting sheet steel, or in the development of satisfactory substitutes for steel tanks.

The Office of Price Administration has determined that the establishment of maximum prices for domestic fuel oil storage tanks is essential to maintain price stability and prevent undue price rises and is necessary to protect consumers, the industry, and the national economy. After analysis of information submitted by the industry, a conference with producers and distributors, and full consideration of all relevant factors, it was determined that representative prices charged by manufacturers during the first two weeks in October 1941, adjusted to allow distributors a reasonable mark-

up, would constitute fair and equitable ceiling prices.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1330.101 *Maximum prices for fuel oil storage tanks.* On and after February 20, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver, or transfer any domestic fuel oil storage tanks, other than on an installed basis, at prices higher than the maximum prices set forth in Appendices A, B, and C hereof, incorporated herein as §§ 1330.110, 1330.111, and 1330.112, respectively.*

*§§ 1330.101 to 1330.112, inclusive, issued pursuant to authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1330.102 *Less than maximum prices.* Lower prices than those set forth in Appendices A, B, and C may be charged, demanded, paid, or offered.*

§ 1330.103 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of domestic fuel oil storage tanks, alone or in conjunction with any other material; or by way of any commission, service, transportation or other charge; or by a tying-agreement or other trade understanding; or by making terms and conditions of sale more onerous to the purchaser than those available or in effect on October 15, 1941; or by unreasonably refusing to ship in carload and truckload quantities when available; or by excessive charges for tank accessories; or by any other means.*

§ 1330.104 *Labeling by manufacturers.* Every manufacturer shall permanently affix to each domestic fuel oil storage tank manufactured by him a durable label setting forth the name and location of the manufacturer, the size and capacity of the tank, and the gauge of steel used therein.*

§ 1330.105 *Records and reports.* (a) Every person making purchases or sales, other than on an installed basis, of domestic fuel oil storage tanks of a value of more than \$100.00 during any calendar month after February 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of (1) each such purchase or sale, showing (i) the date thereof, (ii) the name and address of the buyer and the seller, (iii) the point of delivery of the tank to the buyer, (iv) the price paid or received for the tank (exclusive of accessories other than lugs), (v) the freight paid by the seller and charged to the buyer where the tank is delivered to the buyer within the Midwestern Area (as described in § 1330.111 (a)), (vi) the gauge of steel used in the tank, (vii) whether the tank was sold with or without lugs, (viii) the capacity of the tank in gallons, (ix) the size of the tank in inches, and (x) the quantity of each type of tank purchased or sold, and (2) the quantity of domestic fuel oil storage tanks (i) on hand, and (ii) on order, as of the close of each calendar month.

(b) Every person required by the above paragraph to keep records who purchases or sells tank accessories in conjunction with the transfer of a tank shall likewise keep records showing the details of the tank transfer of which the transfer of accessories is a part, the price paid or received for the accessories, and type and quantity of each such accessory purchased or sold.

(c) Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1330.106 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and public are fully informed thereof, and (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement and other services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of domestic fuel oil storage tanks, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1330.107 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no applications under this section will be considered unless filed by persons complying with this Schedule.*

§ 1330.108 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity. The term includes, without restricting the generality of the foregoing, any manufacturer, commission salesman, wholesaler, jobber, or dealer.

(b) "Domestic fuel oil storage tanks" means obrotund basement type steel tanks of the gauges of steel, capacities and sizes listed in the applicable Appendix of this Schedule.

(c) "F. o. b. factory price" means a price including all commissions but excluding all freight and delivery charges.

(d) "Delivered price" means a price including all commissions and freight and delivery charges to the location designated by the purchaser.

(e) "Carload quantity" means a shipment of domestic fuel oil storage tanks which is to be moved by rail, the aggregate weight of which totals at least the lowest applicable minimum carload weight as specified in the established tariff of the rail carrier involved, or for which a carload rate would be paid.

(f) "Truckload quantity", when shipment is by common or contract carrier by motor, means a shipment of domestic fuel oil storage tanks, the aggregate weight of which totals the applicable minimum truckload weight as specified in the established tariff of the common or contract carrier by motor involved, which minimum weight is closest to the carload weight referred to in (e) above for a comparable movement. In all other cases the term "truckload quantity" means 18 or more domestic fuel oil storage tanks, shipped by truck.

(g) "Installed basis", when used in reference to a sale or delivery, means a transaction in which the seller furnishes a domestic fuel oil storage tank and, in consideration of the total price paid by the purchaser, performs the service of connecting the tank to an oil burner.*

§ 1330.109 *Effective date of the Schedule.* This Schedule (§§ 1330.101 to 1330.112, inclusive) shall become effective February 20, 1942.

§ 1330.110 *Appendix A; maximum prices for domestic fuel oil storage tanks for the Eastern Area—(a) Application.* The provisions of Appendix A apply to all sales of domestic fuel oil storage tanks for which delivery to the buyer is within the states of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

(b) *Delivered prices of tanks, with lugs, when delivery is within the Eastern Area.*

Nominal tank capacity in gallons	Gauge of steel in wrapper sheet	Minimum dimension of tank in inches	Car or truckload quantities	Less than car or truckload quantities
275.....	14	26-27	\$17.35	\$18.75
275.....	14	22	17.75	19.15
250.....	14	26-27	17.00	18.40
250.....	14	22	17.35	18.75
220.....	14	26-27	16.60	18.00
220.....	14	22	17.00	18.40
200.....	14	26-27	16.20	17.60
200.....	14	22	16.60	18.00
275.....	12	26-27	19.50	21.10
275.....	12	22	20.15	21.70
250.....	12	26-27	18.90	20.50
250.....	12	22	19.50	21.10
220.....	12	26-27	18.30	19.85
220.....	12	22	18.90	20.50
200.....	12	26-27	17.65	19.25
200.....	12	22	18.30	19.85

Maximum allowance for each extra transverse seam: 75¢.
No allowance for extra longitudinal seams.

§ 1330.111 *Appendix B; maximum prices for domestic fuel oil storage tanks for the Midwestern Area—(a) Application.* The provisions of Appendix B apply to all sales of domestic fuel oil storage tanks for which delivery to the buyer is within the area between the Eastern Area and the Pacific Coast Area

as defined in Appendices A and C of this Schedule.

(b) *F. o. b. factory prices of tanks, without lugs, when delivery is within the Midwestern Area.*

Nominal tank capacity in gallons	Gauge of steel in wrapper sheet	Minimum dimension of tank in inches	Car or truckload quantities	Less than car or truckload quantities
275.....	14	26-27	\$17.70	\$19.75
275.....	14	22	18.05	20.15
250.....	14	26-27	17.30	19.40
250.....	14	22	17.70	19.75
225.....	14	26-27	16.90	19.00
225.....	14	22	17.30	19.40
200.....	14	26-27	16.50	18.60
200.....	14	22	16.90	19.00
275.....	12	26-27	19.85	22.15
275.....	12	22	20.45	22.80
250.....	12	26-27	19.25	21.55
250.....	12	22	19.85	22.15
220.....	12	26-27	18.60	20.95
220.....	12	22	19.25	21.55
200.....	12	26-27	18.00	20.30
200.....	12	22	18.60	20.95

Maximum allowance for each extra transverse seam: 75¢.
No allowance for extra longitudinal seams.
Maximum allowance for lugs: \$1.00 per tank.

(c) Where shipment is made directly from factory to purchaser, a delivered price in excess of the maximum f. o. b. factory prices set forth in (b) hereof may be charged, consisting of such maximum prices plus actual transportation costs to the extent that such costs are paid by the seller.

(d) Where shipment is made to a purchaser from some place other than the factory a delivered price in excess of the maximum f. o. b. factory prices set forth in (b) hereof may be charged, consisting of such maximum prices plus actual transportation costs from the factory to the place at which the shipment originates. No further addition to such maximum price may be made for transportation costs from the place at which such shipment originates to the location designated by the purchaser.

§ 1330.112 *Appendix C; maximum prices for domestic fuel oil storage tanks for the Pacific Coast Area—(a) Application.* The provision of Appendix C apply to all sales of domestic fuel oil storage tanks for which delivery to the buyer is within the states of Washington, Oregon, and California.

(b) *F. o. b. factory prices of tanks, with lugs, when delivery is within the Pacific Coast Area:*

Nominal tank capacity in gallons	Gauge of steel in wrapper sheet	Minimum dimension of tank in inches	Car or truckload quantities	Less than car or truckload quantities
275.....	14	26-27	\$31.95	\$35.50
275.....	14	22	32.35	35.90
250.....	14	26-27	31.65	35.10
250.....	14	22	31.95	35.50
220.....	14	26-27	31.20	34.75
220.....	14	22	31.55	35.10
200.....	14	26-27	30.81	34.35
200.....	14	22	31.20	34.75
275.....	12	26-27	34.10	37.55
275.....	12	22	34.75	38.15
250.....	12	26-27	33.50	36.90
250.....	12	22	34.10	37.55
220.....	12	26-27	32.90	36.30
220.....	12	22	33.50	36.90
200.....	12	26-27	32.25	35.65
200.....	12	22	32.90	36.30

Maximum allowance for each extra transverse seam: 75¢.
No allowance for extra longitudinal seams.

(c) Where shipment is made directly from factory to purchaser, a delivered price in excess of the maximum f. o. b. factory prices set forth in (b) hereof may be charged, consisting of such maximum prices plus actual transportation costs to the extent that such costs are paid by the seller.

(d) Where shipment is made to a purchaser from some place other than the factory, a delivered price in excess of the maximum f. o. b. factory prices set forth in (c) hereof may be charged, consisting of such maximum prices plus actual transportation costs from the factory to the place at which the shipment originates. No further addition to such maximum price may be made for transportation costs from the place at which such shipment originates to the location designated by the purchaser.*

Issued this 4th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1069; Filed, February 4, 1942;
3:34 p. m.]

TITLE 41—PUBLIC CONTRACTS

CHAPTER II—DIVISION OF PUBLIC CONTRACTS

PART 202—MINIMUM WAGE DETERMINATIONS

AMENDMENT TO AND EXTENSION OF DETERMINATION OF PREVAILING MINIMUM WAGE IN MEN'S UNDERWEAR INDUSTRY

This matter is before me pursuant to section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", otherwise known as the Walsh-Healey Public Contracts Act.

On December 15, 1941, the Administrator of the Division of Public Contracts issued a notice of opportunity to show cause (6 F.R. 6524) why my decision dated July 28, 1937, in the Matter of the Determination of the Prevailing Minimum Wage in the Men's Underwear Industry, should not be extended to coincide with and cover the products of the industry as defined in the wage order issued by the Administrator of the Wage and Hour Division pursuant to the provisions of the Fair Labor Standards Act of 1938 (6 F.R. 5323), and amended by increasing the prevailing minimum wage as determined therein from 35 cents an hour in the North and 32.5 cents an hour in the South to 40 cents an hour in both the North and South, with provision for the employment of learners and handicapped workers in accordance with the applicable regulations issued by the Administrator of the Wage and Hour Division.

The proposed extension and amendment was predicated upon evidence before the Department of Labor that the Knitted and Men's Woven Underwear and Commercial Knitting Industry, as defined in the aforementioned wage order issued by the Administrator of

the Wage and Hour Division, is predominately interstate in character, and that in consequence, the wage order has had the effect of establishing 40 cents per hour as the prevailing minimum wage in that industry within the meaning of section 1 (b) of the Walsh-Healey Public Contracts Act.

The notice of opportunity to show cause was sent to members of the industry who had been awarded contracts for the products affected thereby as well as those who had evidenced an interest in the original proceeding, to trade unions, trade publications, and trade associations. Notice was also given to other interested parties through the national press and by publication in the *FEDERAL REGISTER* (6 F.R. 6524).

Endorsement of the proposal was received from the Textile Workers Union of America, and approval was also registered by an employer-member of Industry Committee No. 28 appointed pursuant to the provisions of the Fair Labor Standards Act, representing the Midwest. The Underwear Institute advised that it did not oppose the 40-cent minimum, but reserved the objections which it had previously filed with the Wage and Hour Division to the learner regulations presently effective under the Fair Labor Standards Act and requested that such objections be made a part of the record in this proceeding. Industry Committee No. 28 having unanimously adopted a resolution recommending to the Administrator of the Wage and Hour Division that he consider a more liberal application of the learner regulations effective in the industry, a hearing has been held for the purposes of determining what, if any, modifications of the learner regulations should be adopted. The matter is now under consideration on the basis of all of the evidence of record, including the objections of the Underwear Institute to the present learner regulations and its recommendations for their revision. In the meantime, the coordination of the minimum wage requirements of the two Acts should not be deferred, and having in mind that my determination of July 28, 1937 now in effect does not provide a tolerance for learners, I shall adopt the learner regulations presently effective under the Fair Labor Standards Act for the purposes of this determination.

Upon consideration of all the facts and circumstances, I hereby determine that:

The title of the industry for the purpose of this determination shall be: "Knitted and Men's Woven Underwear and Commercial Knitting Industry".

§ 202.5 *Knitted and men's woven underwear and commercial knitting.* The minimum wage for employees engaged in the performance of contracts with agencies of the United States Government, subject to the provisions of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C., Sup. III, 35), contemplating any of the following described manufacturing, processing, and finishing operations,

shall be 40 cents per hour or \$16.00 per week of forty hours, arrived at either upon a time or piece work basis:

(a) The manufacturing, dyeing or other finishing of any knitted fabric made from any yarn or mixture of yarns, except:

(1) The knitting from any yarn or mixture of yarns and the further manufacturing, dyeing or other finishing of knitted garments, knitted garment sections or knitted garment accessories for use as external apparel or covering which are partially or completely manufactured in the same establishment as that where the knitting process is performed; provided that this exception shall not be construed to apply to the garments or garment accessories designated in clause (b) of this definition.

(2) Fulleed suitings, coatings, topcoatings, or overcoatings containing more than 25 percent, by weight, of wool or animal fiber other than silk.

(3) Hosiery.

(b) The manufacturing, dyeing or other finishing, from any yarn or mixture of yarns, or from purchased knitted fabric, of any of the following products:

(1) Knitted garments or garment accessories for use as underwear, sleeping wear, or negligees.

(2) Fleece-lined garments made from knitted fabric containing cotton only or containing any mixture of cotton and not more than 25 percent, by weight, of wool or animal fiber other than silk.

(3) Knitted shirts of cotton or any synthetic fiber or any mixture of such fibers which have been knit on machinery of 10-cut or finer in the same establishment as that where the knitting process is performed.

(4) Knitted towels or cloths.

(c) The manufacturing of men's and boys' underwear from any woven fabric.

Provided, That learners and handicapped workers may be employed in accordance with the present regulations under the Fair Labor Standards Act, which I hereby adopt for purposes of this wage determination.

This determination shall be effective and the minimum wages hereby established shall apply to all contracts subject to the aforesaid Act of June 30, 1936, bids for which are solicited or negotiations otherwise commenced on and after March 3, 1942.

Nothing in this determination shall affect such obligations for the payment of minimum wages as an employer may have under the Fair Labor Standards Act of 1938 or any other law, or agreement more favorable to employees than the requirements of this determination.

[SEAL]

FRANCES PERKINS,
Secretary of Labor.

FEBRUARY 3, 1942.

[F. R. Doc. 42-1075; Filed, February 5, 1942;
11:01 a. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Order No. 90]

PART 2—GENERAL RULES AND REGULATIONS

"STANDARD TIME" CHANGED IN PERMITS, LICENSES, ETC.

At a session of the Federal Communications Commission held at its offices, Washington, D. C., on the 3d day of February 1942.

It appearing that there are a large number of existing construction permits, licenses and special authorizations for standard broadcast stations which provide that the licensee or permittee shall commence operation at "sunrise" and cease operation at "sunset" and which specify the average times of sunrise and sunset for each month in accordance with standard time based upon "mean astronomical time" as established by the Act of March 19, 1918, and

It further appearing that Public Law No. 403 approved January 20, 1942, now establishes "standard time" as one hour in advance of "mean astronomical time" as established by the Act of March 19, 1918;

Now, therefore, it is ordered, That the specified average times of sunrise and sunset in all existing instruments of authorization for standard broadcast stations shall be advanced one hour pursuant to Public Law No. 403, approved January 20, 1942.

This Order shall become effective 2:00 o'clock a. m., February 9, 1942.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-1076; Filed, February 5, 1942;
11:12 a. m.]

PART 2—GENERAL RULES AND REGULATIONS

STANDARD TIME; DAYLIGHT SAVING TIME

The Commission, on February 3, 1942, effective 2 A. M., February 9, 1942, adopted § 2.36, as follows:

§ 2.36 *Standard time; daylight saving time.* Pursuant to Public Law No. 403 approved January 20, 1942, all references to "Standard Time", wherever found in these Rules and Regulations or in any order or instrument of authorization issued by this Commission shall be one hour in advance of "Mean Astronomical Time". "Daylight Saving Time" shall be one hour earlier than "Standard Time"; i. e., two hours in advance of "Mean Astronomical Time". (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—Sec. 303 (f), 48 Stat. 1082; 47 U.S.C. 303 (f))

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-1077; Filed, February 5, 1942;
11:12 a. m.]

PART 3—STANDARD AND HIGH-FREQUENCY
BROADCAST STATIONSPROGRAM TRANSMISSIONS PRIOR TO LOCAL
SUNRISE

The Commission, on February 3, 1942, effective 2 A. M., February 9, 1942, amended § 3.87 (a) (2) (*Program transmissions prior to local sunrise*) to read as follows:

(2) Any class II station causing interference^{23a} by use of its daytime facilities within the 0.5 mv/m 50% sky wave contour of any class I station either of the United States or of any country party to the North American Regional Broadcasting Agreement, except (a) where the class I station is located East of the class II station in which case operation may begin at local sunrise at the class I station; (b) where an agreement has been reached with the class I station to begin operation prior to local sunrise.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-1078; Filed, February 5, 1942;
11:12 a. m.]

PART 7—COASTAL AND MARINE RELAY
SERVICES

STANDARD TIME CHANGES

The Commission, on February 3, 1942, effective 2 A. M., February 9, 1942, took the following action:

Amended footnote numbered 26 to § 7.81 (d) (*Radio log for frequencies below 515 kilocycles*) to read as follows:

²⁶ For example, 8:01 P. M. Eastern Standard Time would be entered as 0001 GMT; 8:30 A. M. Eastern Standard Time would be entered as 1230 GMT; 7:45 P. M. Eastern Standard Time would be entered as 2345 GMT.

Amended footnote numbered 27 to § 7.82 (d) (*Radio log for frequencies above 1500 kilocycles*) to read as follows:

²⁷ For example, 8:01 P. M. Eastern Standard Time would be entered as 0001 GMT; 8:30 A. M. Eastern Standard Time would be entered as 1230 GMT; 7:45 P. M. Eastern Standard Time would be entered as 2345 GMT.

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—Sec. 303 (f), 48 Stat. 1082; 47 U.S.C. 303 (f))

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-1079; Filed, February 5, 1942;
11:13 a. m.]

PART 8—SHIP SERVICE

STANDARD TIME CHANGES

The Commission, on February 3, 1942, effective 2 A. M., February 9, 1942, took the following action:

^{23a} As determined by the Standards of Good Engineering Practice Governing Standard Broadcast Stations and the North American Regional Broadcasting Agreement. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—Sec. 303 (f), 48 Stat. 1082; 47 U.S.C. 303 (f))

Amended footnote numbered 67 to § 8.221 (d) (*Radio log for safety purposes*) to read as follows:

⁶⁷ For example, 8:01 P. M. Eastern Standard Time would be entered as 0001 GMT; 8:30 A. M. Eastern Standard Time would be entered as 1230 GMT; 7:45 P. M. Eastern Standard Time would be entered as 2345 GMT.

Amended footnote numbered 70 to § 8.222 (d) (5) (*Radio log during hours of service*) to read as follows:

⁷⁰ For example, 8:01 P. M. Eastern Standard Time would be entered as 1901 GMT; 8:30 A. M. Eastern Standard Time would be entered as 0730 GMT; 7:45 P. M. Eastern Standard Time would be entered as 1845 GMT.

Amended footnote numbered 71 to § 8.222 (d) (6) (*Radio log during hours of service*) to read as follows:

⁷¹ For example, 8:01 P. M. Eastern Standard Time would be entered as 1901 EST; 8:30 A. M. Eastern Standard Time would be entered as 0730 EST; 7:45 P. M. Eastern Standard Time would be entered as 1845 EST.

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—Sec. 303 (f), 48 Stat. 1082; 47 U.S.C. 303 (f))

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-1080; Filed, February 5, 1942;
11:13 a. m.]

TITLE 49—TRANSPORTATION AND
RAILROADSCHAPTER I—INTERSTATE COM-
MERCE COMMISSIONSUBCHAPTER A—GENERAL RULES AND
REGULATIONSPART 120—ANNUAL, SPECIAL OR PERIODICAL
REPORTS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 19th day of January, A. D. 1942.

The subject of the requirement of reports from persons furnishing cars or protective service to or on behalf of any carrier by railroad or express company being under consideration, the following order was entered:

§ 120.71 *Quarterly reports of persons furnishing cars or protective service to or on behalf of any carrier by railroad or express company.* (a) Beginning with the three months' period ended March 31, 1942, and quarterly thereafter, until further order of this Commission, all persons furnishing cars or protective service to or on behalf of any carrier by railroad or express company, subject to the provisions of section 20, Part I, of the Interstate Commerce Act, be, and they are hereby, required to file quarterly reports of the number of freight cars in service, in accordance with the form of report, which is hereby approved and made a part of this order.¹ (54 Stat. 917; 49 U.S.C. 4309)

(b) Each such quarterly report shall be filed, in duplicate, in the Bureau of Sta-

¹ Filed as part of the original document.

tistics, Interstate Commerce Commission, Washington, D. C., within 60 days after the close of the period to which it relates.

By the Commission, division 1.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 42-1091; Filed, February 5, 1942;
11:55 a. m.]

Notices

DEPARTMENT OF LABOR.

Division of Public Contracts.

IN THE MATTER OF THE DETERMINATION OF
THE PREVAILING MINIMUM WAGES IN THE
SEAMLESS HOSIERY INDUSTRY

NOTICE OF OPPORTUNITY TO SHOW CAUSE

Under date of July 28, 1937, following a public hearing held after due notice to all interested parties, the Secretary of Labor, pursuant to the provisions of section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), determined the minimum wage for employees engaged in the performance of contracts with agencies of the United States, subject to said Act, for the manufacture or supply of seamless hosiery to be 35 cents per hour, or \$14.00 per week of forty hours, arrived at either upon a time or piece work basis (2 F.R. 1338), with the provision that a tolerance of not to exceed 5% of the workers in any one establishment be granted for those workers who are in fact learners, handicapped or superannuated workers, subject to the conditions that they be paid not less than 28 cents an hour or \$11.20 per week of forty hours, and not less than the piece rates paid to other workers in the same establishment.

On September 15, 1941, the minimum wage required to be paid by seamless hosiery manufacturers subject to the provisions of the Fair Labor Standards Act of 1938 became 36 cents per hour. (Wage Order of the Administrator, Wage and Hour Division, U. S. Department of Labor, establishing minimum wage rates in the Seamless Hosiery Industry, signed July 10, 1941, 6 F.R. 3583).

Inasmuch as it is believed that the aforementioned Wage Order issued pursuant to the provisions of the Fair Labor Standards Act of 1938 has had the effect of establishing 36 cents per hour as the prevailing minimum wage in the Seamless Hosiery Industry within the meaning of section 1 (b) of the aforementioned Act of June 30, 1936, otherwise known as the Walsh-Healey Public Contracts Act; and The Administrator of the Wage and Hour Division having issued regulations applicable to the employment of learners in the Hosiery Industry (29 CFR 522); and

The Administrator of the Wage and Hour Division having heretofore issued regulations concerning the employment of handicapped workers in the performance of work subject to the provisions of the Fair Labor Standards Act (29 CFR 524); and

It appearing that the best interests of management and labor will be served if the regulations of the Administrator of the Wage and Hour Division, as cited above, be made applicable in their entirety to contracts awarded under the Public Contracts Act and the Secretary's determination in the Matter of the Prevailing Minimum Wages in the Seamless Hosiery Industry. Accordingly,

Notice is hereby given to all interested persons of the opportunity to show cause, on or before February 17, 1942, why the Secretary should not modify the determination in the Matter of the Prevailing Minimum Wages in the Seamless Hosiery Industry by finding that the prevailing minimum wage for persons now employed in that industry is 36 cents per hour or \$14.40 per week of forty hours and why the Secretary should not further modify the determination for the Seamless Hosiery Industry to provide that applicable regulations for the employment of learners and handicapped workers issued by the Administrator of the Wage and Hour Division be adopted by the Secretary as applicable to contracts awarded subject to the Secretary's decision for the Seamless Hosiery Industry.

All objections or protests should be addressed to the Administrator, Division of Public Contracts, U. S. Department of Labor, Washington, D. C. An original and four copies should be filed.

Dated: February 3, 1942.

[SEAL] L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-1074; Filed, February 5, 1942;
11:01 a. m.]

CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT
CLOSE OF BUSINESS SATURDAY, JANUARY
31, 1942

Important. Although the apportioned classified Civil Service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his state of original residence. Certifications of eligibles are first made from states which are in arrears.

State	Number of positions to which entitled	Number of positions occupied
IN ARREARS		
1. Puerto Rico	1,187	51
2. Virgin Islands	16	1
3. Hawaii	269	23
4. Alaska	46	14
5. California	4,388	1,430
6. Louisiana	1,502	688
7. Michigan	3,339	1,576
8. Arizona	317	165
9. Texas	4,075	2,158
10. Georgia	1,984	1,207
11. South Carolina	1,207	741
12. Kentucky	1,808	1,133
13. Alabama	1,800	1,130
14. Ohio	4,388	2,917
15. Mississippi	1,387	927
16. New Mexico	338	228
17. North Carolina	2,269	1,574
18. Arkansas	1,238	876
19. New Jersey	2,643	1,940
20. Nevada	70	55
21. Tennessee	1,832	1,536
22. Indiana	2,178	1,813
23. Florida	1,205	1,015
24. Oregon	692	585
25. Delaware	169	144
26. Illinois	5,017	4,848
27. Idaho	333	296
28. Connecticut	1,086	991
29. Wisconsin	1,993	1,854
30. Pennsylvania	6,289	6,143
31. Rhode Island	453	448
IN EXCESS		
32. Washington	1,103	1,107
33. New Hampshire	312	314
34. Vermont	228	232
35. West Virginia	1,208	1,265
36. Massachusetts	2,742	2,944
37. Missouri	2,404	2,598
38. Utah	250	383
39. Maine	538	589
40. Oklahoma	1,484	1,662
41. Colorado	714	844
42. Iowa	1,613	2,024
43. New York	8,563	10,770
44. Minnesota	1,774	2,238
45. Montana	355	466
46. Wyoming	159	211
47. Kansas	1,144	1,645
48. North Dakota	408	620
49. Virginia	1,701	2,623
50. South Dakota	408	605
51. Nebraska	836	1,500
52. Maryland	1,157	2,851
53. District of Columbia	421	9,607
GAINS		
By appointment	3,102	
By transfer	311	
By reinstatement	12	
By correction	4	
Total	3,429	
LOSSES		
By separation	276	
By transfer	333	
By correction	2	
Total	611	
Total appointments	85,165	

NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment figures under Sec. 3, Rule VII, and the Attorney General's Opinion of August 25, 1934, 20,360.

By direction of the Commission.

[SEAL] L. A. MOYER,
Executive Director,
and Chief Examiner.

[F. R. Doc. 42-1067; Filed, February 4, 1942;
3:24 p. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4528]

IN THE MATTER OF LOUIS A. WALTON CO.,
A CORPORATION; KLING BROS. & CO., INC.,
A CORPORATION, ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIX-
ING TIME AND PLACE FOR TAKING TESTI-
MONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3d day of February, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Edward E. Reardon, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, March 2, 1942, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-1085; Filed, February 5, 1942;
11:36 a. m.]

[Docket No. 4628]

IN THE MATTER OF SHERMAN HAT COMPANY,
A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIX-
ING TIME AND PLACE FOR TAKING TESTI-
MONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3d day of February, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Edward E. Reardon, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, March 11, 1942, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-1086; Filed, February 5, 1942;
11:36 a. m.]

[Docket No. 4633]

IN THE MATTER OF DANIEL HECHTMAN AND
STEVE MOORE, INDIVIDUALLY, TRADING AS
H & H HAT COMPANY

ORDER APPOINTING TRIAL EXAMINER AND
FIXING TIME AND PLACE FOR TAKING
TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3d day of February, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

It is ordered, That Edward E. Reardon, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, March 9, 1942, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-1087; Filed, February 5, 1942;
11:36 a. m.]

No. 26—4

[Docket No. 4638]

IN THE MATTER OF MONTGOMERY WARD &
COMPANY, INC., A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIX-
ING TIME AND PLACE FOR TAKING TESTI-
MONY

At a regular session of the Federal Trade Commission, held at its Office in the City of Washington, D. C., on the 3d day of February, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

It is ordered, That Edward E. Reardon, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, March 4, 1942, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-1088; Filed, February 5, 1942;
11:36 a. m.]

[Docket No. 4679]

IN THE MATTER OF BEN D. FOGEL AND LOUIS
SINGER, INDIVIDUALLY AND TRADING AS
B. & L. HAT COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIX-
ING TIME AND PLACE FOR TAKING TESTI-
MONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3d day of February, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

It is ordered, That Edward E. Reardon, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, February 27, 1942, at ten o'clock

in the forenoon of that day (central standard time) in Room 1116, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-1089; Filed, February 5, 1942;
11:37 a. m.]

SECURITIES AND EXCHANGE COM- MISSION.

[File No. 812-253]

IN THE MATTER OF WESTERN NEW YORK
FUND, INCORPORATED

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of February, A. D. 1942.

An application having been filed by the above named applicant for an order pursuant to the provisions of section 23 (c) (3) of the Investment Company Act of 1940 exempting it from the provisions of Rule N-23C-1 promulgated thereunder insofar as such rule limits the amount of repurchases of its outstanding stock to one percent a month, so that it can purchase not more than 12,500 shares of its common stock from Goodbody and Co., members New York Stock Exchange;

It is ordered, That a hearing on the aforesaid application be held on February 10, 1942 at 10:15 o'clock in the forenoon of that day, in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue Northwest, Washington, D. C. On such date the hearing room clerk in Room 1102 will advise interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, Esquire, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing for such matter. The officer so designated to preside at such hearing is hereby authorized to exercise any powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940, and to Trial Examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of public investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1090; Filed, February 5, 1942;
11:49 a. m.]

